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OFFICE OF NATIONAL RECOVERY ADMINISTRATION

DIVISION OF REVIEW

ADMINISTRATIVE INTERPRETATIONS OF NRA CODES

By

D. L. Boland

WORK MATERIALS NO. 73

NRA ORGANIZATION STUDIES SECTION
MARCH, 1936

OFFICE OF NATIONAL RECOVERY ADMINISTRATION

DIVISION OF REVIEW

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F O R E W O R D

This study of "Administrative Interpretations of NRA Codes" was prepared by Mr. D.L. Boland, of the NRA Organization Studies Section, Mr. Will. m W. Bardsley in charge.

Unfortunately, reduction of personnel in the section prevented full development of the subject and except for minor revisions the present document is the one presented in December 1935 as a preliminary draft of a report on the subject. Nevertheless, the discussion, although unfortunately limited, throws light on the procedure followed by NRA in handling interpretations; and the appendices contain much detailed information on the interpretations actually issued. A statement pointing the way to further research is to be found in Appendix A.

The findings and suggestions of the study are of course individual utterances and not official positions.

At the back of this report will be found a brief statement of the studies undertaken by the Division of Review.

L.C. Marshall
Director, Division of Review

March 24, 1936

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TABLE OF CONTENTS

PAGE

Introduction..... 1

Chapter I - Bases of Power..... 2

Chapter II - Definition of the Terms "Interpretations" and "Explanations"..... 6

Chapter III - Delegation of Power to Make and Issue Interpretations and Explanations..... 10

President's Reemployment Agreement..... 11

Codes Under Section 3(a)..... 12

Creation of National Industrial Recovery Board..... 12

Miscellaneous Delegations..... 13

Code Authorities..... 13

Chapter IV - Method of Issuance of Interpretations and Explanations..... 15

Chapter V - Analysis of Interpretations - Cause - Types of Code Provisions..... 16

Interpretation of Manufacture of Product..... 18

Interpretation of Labor Provisions..... 21

Interpretation of Trade Practice Provisions..... 22

Chapter VI - Evaluations and Conclusions..... 23

Appendix A - Further Review..... 25

Appendix No. 1 - Outline - Interpretations and Explanations..... 26

Appendix No. 2 - List of Interpretations of Hour Provisions..... 32

Appendix No. 3 - List of Interpretations of Wage Provisions..... 37

Appendix No. 4 - List of Interpretations of General Labor Provisions..... 44

Appendix No. 5 - List of Interpretations of Occupational Classifications..... 45

Appendix No. 6 - List of Interpretations of Industry Classifications..... 47

Appendix No. 7 - List of Interpretations of Trade Practice Provisions..... 48
(Including List of types of trade practice rules interpreted)

PAGE

Appendix No. 8 - NRA Procedure as to the Issuance of Interpretations..... 57

INTRODUCTION

This report sets forth the results of a study of "Interpretations". The various types of NRA interpretations have been analyzed and typical cases thereof are set forth. The causes of such interpretations have not been fully explored, but approximately three hundred cases have been examined for the purposes of this report. Such interpretations relate to codes, Executive and Administrative Orders, the PRA and other administrative pronouncements. It has not been possible to make a complete examination of the records of all NRA interpretations, the total of which is estimated at one thousand. However, the interpretations examined give a fairly representative cross-section of the problems and questions presented.

The primary objective of the study is to present the experiences of NRA with interpretations and the lessons to be learned from such experiences. The main subjects of the presentation are those of powers, limitations thereon, methods of exercise and other phases which are connected with legislative prerogatives. Such substantive questions are set forth herein. The lesser problems relating to administration, procedure and the like though set forth in detail in the outline of the subject (*) are treated but briefly. This report is primarily concerned with NRA as a governmental agency and seeks to answer these questions:-

(1) What was the source of NRA's power to interpret codes and other documents?

(2) What did the NRA do in the exercise of the power of interpretation?

(3) What should any future governmental agency embodying the principles of NRA be empowered to do with respect to interpretations?

(*) Appendix No. 1

CHAPTER I

BASES OF POWER

The National Industrial Recovery Act (*) contains no specific provision permitting the interpretation of codes or agreements approved under the terms of the Act. The existence of the power of interpretation must find its basis in a construction of the Act or in the application of general rules and principles of administrative law.

Section 3(a) of the Act, in part, provides:

> "The President may, as a condition of his approval of any such code, impose such conditions (including requirements for the making of reports and the keeping of accounts) for the protection of consumers, competitors, employees, and others, and in furtherance of the public interest, and may provide such exceptions to and exemptions from the provisions of such code, as the President in his discretion deems necessary to effectuate the policy herein declared."

Particular attention should be directed to the power "to impose such conditions." Discretion with respect to such "conditions" is broad and the exercise of such discretion could be evidenced by the issuance of an interpretation of a code provision, which interpretation, according to the finding of the President, would be "for the protection of consumers, competitors, etc." The power conferred by Section 3(a) and the meaning of the term "condition" are of sufficient import to permit approval of a code on condition that a certain provision or word shall have a definite meaning.

The order of approval of the Transit Industry Code (No. 28 - September 18, 1933) contains the following language:-

> "..it is hereby approved, subject to the following conditions: (1) In approving the Code of Fair Competition for the Transit Industry, it is to be understood that paragraph 2 of Article VII, refers to all labor agreements arrived at by collective bargaining and that as to the language of this paragraph, the approval shall be construed to mean that existing labor contracts between members of the industry and employees may be continued in effect to their various expiration dates, unless modified by mutual agreement, but are not incorporated as a part of the Code. Where the provisions of any such expiring contracts include extensions or renewals thereof by arbitration or otherwise, such provisions may have the same force and effect as other provisions of such contracts, but in the process of extension or renewal of any such contracts, as provided by their terms and conditions, no working hours shall be set up which are in excess of the maximum allowed in this Code, and the minimum wage provisions shall not be less than those provided in this Code."

(*) Public Resolution No. 67, House Resolution No. 5755, 73rd Congress, hereafter called the Act, 48 Stats. 195.

Likewise, the order of approval of the Silk Textile Industry Code (No. 48 - October 7 1933), in part, provides as follows:

> "..it is hereby approved, it being distinctly understood that the minimum wage fixed in Article IV applies only to the lowest paid class of labor in the industry and is a minimum wage for that class only, and that weavers, warpers, loom fixers and other skilled and semi-skilled workers shall be paid upon a higher wage scale which maintains the dollar differential above the lowest paid class as they existed on July 1, 1933, in accordance with the provisions of paragraph 3 of Article IV."

These instances of interpretation, by means of imposition of a condition in the order of approval, show an assumption by the Administration of the existence of interpretive powers in Section 3(a). Some reliance upon this source of power could be had, if all interpretations were incorporated in the order of approval or a subsequent order of modification (*), but Sections 3(d), 4(a), 7(b) and 7(c) provide for other types of codes and agreements, which have no relation to the type of codes permitted by Section 3(a).

The grant of general powers in the Act permits wide administrative discretion. The limits require the President to effectuate the policy of the Act (**). These limitations disclose a delegation of power in very general form and are concerned with the administrative issuance and approval of codes. All administrative action involves the possibility of rule making, either for purposes of procedure or for the exercise of discretion. The legislative body, at the time of enactment, may forsee that variable considerations are not predictable. Flexibility may be necessary in order to administratively apply the law. In such cases the exercise of discretion evidenced in the form of rule making becomes an administrative power. In some cases the rule making power may be conferred to supplement statutory provisions or for regulation of major matters without the guidance of analogous direct provisions in the statute (***).

A legislative delegation of general administration of a statute with a grant of rule making powers usually includes powers of interpretation. Freund, supra, at p.215 says:

"Another type of rule-making is likewise inherent in the administrative application of the law, namely that relating to interpretation and resulting in what are distinctively known as 'rulings.' A ruling does not, like other regulations, deal with matter left open for variable disposition, but defines the meaning of statutory terms and provisions. Where the statute is in the first instance administratively applied, such definition is inevitable, whether intended for the guidance of

---

(*) See Section 10(b) of the Recovery Act.

(**) See Sections 3(a), 7(b), 10(a).

(***) Freund - "Administrative Powers Over Persons and Property"-1928, pp. 213 to 220, inclusive.

official subordinates or for the guidance of the public. In revenue legislation, in particular, such rulings or regulations are of very great importance. They are inconclusive, if questioned in court; but even a court may give weight to a long established administrative construction. They may also have a qualified legal status, where the statute makes them binding on subordinates or successors in office, until reversed or modified in due course (Tariff Act, 1922, pp. 502b, c; also Revenue Act, 1926, pp. 1108).

"All these types of unquestionably valid rule-making may be supposed to be covered by the ordinary delegation of power to make rules and regulations to carry a statute into effect; and the power probably exists without express delegation, a possible difference being that the express delegation makes the rule binding upon the administrative authority while it stands whereas a rule voluntarily made may perhaps be looked upon in the same manner as 'administrative rules' are looked upon in courts of equity, namely as rules of guidance by which the authority is not rigorously bound."

It is submitted that such a power existed in the NRA. The limits of administrative discretion were wide and, of necessity, the power to set forth the meaning of statutory terms and code provisions was an inherent part of the exercise of discretion.

In support of the above contention, specific power is found in the Act. Section 10(a) provides:-

> "The President is authorized to prescribe such rules and regulations as may be necessary to carry out the purposes of this title, and fees for licenses and for filing codes of fair competition and agreements, and any violation of any such rule or regulation shall be punishable by fine of not to exceed $500, or imprisonment for not to exceed six months, or both."

This section appears to be a blanket grant of power and applies to those rules and regulations which are not included or implied in the specific grants contained in other sections of the Act (*). Likewise, the broad powers contained in Section 10(b) are in support of the existence of the power of interpretation although this section may prescribe a different method of issuance of an interpretation. It may also be argued that the grant of power contained in Section 2, with or without the support of Section 10(a) would permit the President to issue rules and regulations reasonably necessary and intended to carry out the purposes of the Act (**). The presence of Section 10(a) in the Act renders the necessity of implications of power of secondary importance and leads the author to the conclusions that this section is the primary and safest basis upon which to predicate the power of interpretation. This predication is supported by implication from other portions of the Act and accepted principles of administrative law.

(*) See Section 6(a).

(**) See NRA Legal Research Memorandum No. 447 - December 3, 1934.

The power to interpret by means of rules and regulations requires examination of the effect of such rules. Are such interpretations mere administrative guides or actual declarations of law? It is conceded that the interpretation of statutes and the determination of the limits of administrative discretion rest with the judiciary. However, interpretations of the NIRA and codes by NRA are the acts of an administrative agency and are concerned with administrative law. The existence of this power judicially and administratively has been recognized.

> "A study of administrative law as a branch of the common law is a study on the basis of decided cases, and it is therefore natural to read the law in the light of judicial decisions. Even though it be realized that judicial law is one thing and administrative practice another, it is also true that in theory at least the practice is normally subject to judicial control, and that judicial contstruction is therefore a very legitimate test of the limits of discretion. A recognition of the fact that administrative practice has, so to speak, its own law, is not inconsistent with the recognition of the importance of the judicial or legal aspect of discretion, and vice versa." (*)

Judicial interpretations are law. The effect of administrative interpretations is the same as that which they interpret, provided the interpretation is not unreasonable or inconsistent with the Act. The rule is well stated in Faucus Machine Co. v. U. S., 282 U. S. 375 (1930):-

> "... They are valid unless unreasonable or inconsistent with the statute. United States v. Grimaud, 220 U.S. 506, 517-518; International Ry. Co. v. Davidson, 257 U.S. 506, 514. They constitute contemporaneous construction by those charged with the administration of the act, are for that reason entitled to respectful consideration, and will not be overruled except for weighty reasons. United States v. Moore, 95 U.S. 760, 763; Brewster v. Gage, 280 U.S. 327, 336."

Accordingly it is submitted that an interpretation of the National Industrial Recovery Act, an order or a code provision has the effect of the respective matter interpreted, provided the interpretation was reasonable and consistent with the statute and the particular order or code provision.

It should be noted that Section 10 (a) created a criminal offense for violation of a rule or regulation. This statement connotes the legal effect of a rule of interpretation issued as a means of effectuating the purposes of the Act.

(*) Freund - "Administrative Powers Over Persons and Property" - 1928, pp. 51, 95.

CHAPTER II

DEFINITION OF THE TERMS "INTERPRETATION" AND "EXPLANATION"

An "Interpretation," in the ordinary meaning of the term, is:-

1. "An interpreting; specifically an explanation of what is obscure; exposition; version; construction.

   "A translating; translation from one language into another.

2. "The sense given by an interpreter; exposition or explanation given; meaning, as commentators give various interpretations of the same passage of Scripture" (*)

The legal definition of the term, according to Bouvier, is as follows:

"The discovery and representation of the true meaning of any signs used to convey ideas. Lieber, Leg. and Pol. Hermeneutics.

"The 'true meaning' of any signs is that meaning which those who used them were desirous of expressing. A person adopting or sanctioning them 'uses' them as well as their immediate author. Both parties to an agreement equally make use of the signs declaratory of that agreement though one only is the originator, and the other may be entirely passive. The most common signs used to convey ideas are words. When there is a contradiction in signs intended to agree, resort must be had to construction, - that is, the drawing of conclusions from the given signs, respecting ideas which they do not express. Interpretation is the art of finding out what the author intends to convey; construction is resorted to in comparing two different writings or statutes. Construction is usually confounded with interpretation, but in common sense, is generally employed in a sense that is properly covered by both when each is used in a sense strictly and technically correct; Cooley, Const. Lim. 70." (**)

An "explanation" is usually defined as follows:

"Act or process of explaining, expounding or interpreting; a clearing from obscurity and making legible; as, the explanation of a passage in Scripture, or of a contract or treaty.

(*) Webster's New International Dictionary of the English Language, G. & C. Merriam Co., 1934, p. 1129.

(**)Bouvier's Law Dictionary, Rawle's Third Revision, Vol 2, p. 1657.

"The meaning attributed to anything by one who explains it; definition; interpretation; sense.

"A mutual exposition of terms, meaning, or motives, with a view to adjust a misunderstanding or reconcile differences; reconciliation; as, come to an explanation." (*)

The first official use of the term "interpretation" by NRA is found in the order of approval of the Cotton Textile Code - July 9, 1933. No official use of the term "explanation" was made until the issuance of NRA Bulletin No. 4, which set forth an official "explanation" of the PRA. In addition, Bulletin No. 4 contained twenty-one interpretations, all of which gave a more detailed exposition of certain PRA provisions and attempted to resolve both patent and latent doubts as to such provisions. Examination of such explanations and interpretations shows the former to be more simple and sometimes a statement of the obvious and the latter a clarification of reasonably doubtful provisions. It is the opinion of the author that this distinction of nomenclature was officially declared in the said Bulletin No. 4.

No official definition of the terms was made by NRA, although various orders mentioned the term "interpretation." (**) On December 29, 1933, the Administration noted the difference in questions of interpretation with respect to difficulty of determination. Office Order No. 53, issued on the above date, in treating of delegations of power to interpret, distinguished between -

"Interpretations where the intent of the language of the code is clear and unmistakable . . ."

and -

"Interpretations where the intent of the language of the code is not wholly clear . . ."

and -

"Interpretations where the intent of the language of the code is in doubt . . . "

In such office order no use of the term "explanation" appears.

(*) Webster's New International Dictionary of the English Language, G. & C. Merriam Co., 1934, at page 772.

(**) See Office Orders Nos. 18, 40, NRA files.

Official recognition of the scope of interpretation problems was made and defined on March 26, 1934. (*)

This administrative definition continued to be operative until approximately September 1, 1934, when the Administration issued an Office Manual. Part III, paragraph 3110 of the Manual defined the term "interpretation" as follows:

> "'Interpretation' means any ruling on the meaning of the language of a code where the intent of that language is in doubt, or might reasonably be expected to be in doubt among informed officials of the Code Authority and N.R.A.; i.e., where a knowledge of the surrounding circumstances and N.R.A. policies fails to remove the necessity for a decision on which reasonable men, equally conversant with the circumstances and policies, might differ."

Part III, paragraph 3111 of such Manual provides:-

> "'Explanation' means any statement as to the meaning of the language where the intent of that language is not in doubt among officials of the Code Authority or N.R.A.; i.e., where a knowledge of the surrounding circumstances removes the necessity for a decision on which reasonable men, equally conversant with the circumstances and policies, might differ."

The said Office Manual contains the following statement:-

> "Superseding all previous Office Orders and Memoranda, including all Administrative Orders and all Executive Orders with general application of N.R.A."

The Manual was ordered by the direction of the Administrator and was signed by the Administrative Officer.

Examination of such definitions shows that the distinction between the terms "interpretation" and "explanation" was marked by a norm as to what constituted doubt. Office Order No. 75 refers to doubt of reasonably well informed officials, making the ruling, while the Office Manual sets up reasonably expected doubt of informed officials of the code authority and the NRA. This difference of determination shows the specific line of demarcation between an interpretation and an explanation,

---

(*) See Office Order No. 75, which, in part, provides:-
Definitions.
1. Interpretations.
This term includes all rulings on the meaning of the language of a code where the intent of that language is in doubt; i.e., where a knowledge of the surrounding circumstances and of the general policies of NRA on the part of the person making the rulings fails to remove the necessity for a decision on which reasonable men, equally well informed, might differ, Where no decision is required on which reasonable men, equally well informed, might differ,, the ruling is not an interpretation but merely an explanation."

but the method thereof discloses an indication by NRA to enlarge the norm as to NRA officials and to include the reasonableness of information of code authority officials. It should be noted that knowledge of both surrounding circumstances and NRA policy were requisites for the determination of reasonably informed officials.

The effort to operate with this distinction resulted in many variations therefrom. Procedure demanded certain consideration of questions of interpretations, such treatment being subject to the precedent determination as to the type of question presented. Errors occurred whereby explanations were treated as interpretations and vice versa. Expediency often caused knowing departure from the rules whereby interpretations were issued in the form of explanations, without any consideration thereof by the various advisory boards. Employees in the field, especially adjustors, considered interpretation and explanation problems daily and decided them, although, in many cases they were not up-to-date in their knowledge of NRA policies (one of the requirements of proper determination.) Individual decision often disregarded the question of other reasonably informed officials. Code authority officials were not consulted. In short, the requirements were not followed and, if adhered to, the actual determination was difficult. The distinction of the terms, with an attendant relaxing of control of the power of explanation, created more opportunities for errors and assumption of authority, resulting in little or no knowledge of the type of decisions rendered. It is suggested that such a distinction of terms and the questions of delegation and control involved do not permit the continuance of such a system. Control, closely guarded power and a complete record of the exercise of the power of interpretation is necessary. It is therefore suggested that explanations, as such, should be abolished; that the only questions subject to consideration, should be ones of interpretation; and that a control board be empowered to determine the initial question as to whether or not a problem for interpretation exists. Such centralization would insure proper determination and uniformity.

In addition, uniform usage of the term "interpretation" is suggested. It is true that very few terms were used in place of "interpretation". Some orders used "construed" and "applied." (*) One term would satisfy all situations and prevent possible misinterpretation.

As stated above, various administrative definitions of the term "interpretation" were established. Uniformity of meaning is desirable. It is therefore suggested that new legislation, if any, contain a definition of the term "interpretation" and that such definition, if possible, create the most simple modes of determining the existence of an interpretation problem, as are possible.

(*) See Executive Order No. 6750-C.

CHAPTER III

DELEGATION OF POWER TO MAKE AND ISSUE INTERPRETATIONS AND EXPLANATIONS

Under the terms of Sections 2(a) and 2(b) of the NIRA, the President was authorized to establish such agencies, accept the services of and to utilize Federal officers and employees, prescribe their authorities, and to delegate any of his functions and powers under the title of the Ace to such officers, agents, and employees. The particular sections in question are as follows:

> To effectuate the policy of this title, the President is hereby authorized to establish such agencies, to accept and utilize such voluntary and uncompensated services, to appoint, without regard to the provisions of the civil service laws, such officers and employees, and to utilize such Federal officers and employees, and, with the consent of the State, such State and local officers and employees, as he may find necessary, to prescribe their authorities, duties, responsibilities, and tenure, and, without regard to the Classification Act of 1923, as amended, to fix the compensation of any officers and employees so appointed."
>
> "The President may delegate any of his functions and powers under this title to such officers, agents, and employees as he may designate or appoint, and may establish an industrial planning and research agency to aid in carrying out his functions under this title."

Pursuant to this authority, the President on June 16, 1933, by Executive Order No. 6173, appointed Hugh S. Johnson, as Administrator for Industrial Recovery under Title I of the Act. Under the terms of the said order the President further appointed a Special Industrial Recovery Board to be composed of the Secretary of Commerce as Chairman, the Attorney General, the Secretary of the Interior, the Secretary of Agriculture, the Secretary of Labor, the Director of the Budget, the Administrator for Industrial Recovery, and the chairman of the Federal Trade Commission. The Administrator for Industrial Recovery was granted authority for thirty days, subject to the approval of the Special Industrial Recovery Board, to appoint the necessary personnel on a temporary basis and to conduct the work authorized under Title I of the Act. On July 15, 1933, the President, by Executive Order No. 6205-A, continued the appointment of Hugh S. Johnson as Administrator for Industrial Recovery and authorized him, subject to the general approval of the aforementioned Special Industrial Recovery Board, to appoint the necessary personnel on a permanent basis, and among other things to exercise functions invested in the President by Title I of the Act, except the approval of codes, making of agreements, issuance of licenses, or exercise of power conferred in Sections 3(e), 6(c), 8(b), 9, and 10.

No specific mention of the power of interpretation is contained in any Presidential order conferring authority upon the Administrator or the National Industrial Recovery Board. The reservation of power of Section 10(a) contained in Executive Order No. 6205-A would indicate a non-delegation of the power of interpretation in view of the discussion in Chapter I, *ante*.

Several subsequent Executive Orders authorized the issuance of rules and regulations as to specific matters (*), but no mention of "interpretations" is found therein. It is true the grants of power set forth in Executive Orders Nos. 6173 and 6205-A are general in terms, but if the basis of the power of interpretation lies in Section 10(a) then it would follow that no proper delegation of such power was made, subject to the exceptions wherein authority to prescribe rules and regulations regarding certain specific matters was conferred. It may be argued that the delegation of general powers carried the implied power of interpretation. Part of the discussion in Chapter I, ante, would support such a contention, which is the only basis upon which, with a few exceptions, the power of interpretations may be predicated.

The investigation of the record of delegations by the Administrator shows an admitted assumption that the power of interpretation had been conferred upon him. Various Administrative Orders delegated the power of interpretation to various NRA officials and for purposes of this report, such delegations relating to codes and the PRA will be treated separately.

President's Reemployment Agreement

On July 20, 1933 the President announced the President's Reemployment Agreement (**) widely known as the PRA. The language of this agreement required explanation and interpretation practically from its inception, mainly because of its general application, so on August 7, 1933, the Administrator created the PRA Policy Board and authorized it to issue "all interpretations of PRA requested by the Industrial Mediation Board, General Hammond or other proper authorities". Apparently the bulk of requests for interpretations of the PRA in its early stages referred to questions of display of the Blue Eagle and the Blue Eagle Division of the NRA (***), with the approval of the Administrator, issued interpretations. Later, the above mentioned Policy Board was abolished and the Blue Eagle Branch (formerly Blue Eagle Division) of the Compliance Division was empowered to interpret PRA provisions (****).

No further specific delegations of the power of interpretations of PRA provisions have been found.

Explanations of the PRA were given in official form (*****), but practically all such explanations were issued formally. The PRA authorities in Washington and the local BRA Compliance Boards (voluntary organizations established in cities, towns and villages) undertook the

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(*) Executive Orders No. 6590-A, 6590-B, 6678-A.
(**) See NRA Bulletin No. 3, NRA Files.
(***) See NRA Bulletin No: 4 - "Official Statement of the Blue Eagle Division of NRA," NRA Files.
(****) Office Order No. 40 - October 26, 1933, NRA files.
(*****) See NRA Bulletin No. 4, NRA files.

explanation to the American public of the meaning of the PRA. The author has had no opportunity to investigate the records of such explanations, but from personal experience it mat be said that no control of such explanations was successfully maintained and that many explanations were issued which were in fact interpretations.

Codes Under Section 3 (a)

The codification of Industry created the administrative problem of proper interpretation of codes. At the outset of NRA interpretations of codes were informally issued by deputy administrators. No official delegation of this authority is found, but on December 29, 1933 the Administrator issued Office Order No. 53, which provides:

> "The deputy administrator is the deputized representative of the Administrator for Industrial Recovery, and, under the supervision of the division administrator, acts for him within the scope of his delegated authority and responsibility."
>
> "The Administrator has delegated to deputy administrators, under the supervision of the division administrator, authority and responsibility for the interpretation of codes."

Increase in the number of interpretations required coordination and control of the issuance of interpretations, so that on March 26, 1934, the Administrator, in Office Order No. 75, designated division administrators as the only lesser officials empowered to approve, disapprove or modify rulings of interpretations. The order also provided that such ruling would be final, subject only to the ultimate disapproval by the Administrator. Violations of this limitation of power occurred from time to time, resulting in a confirmation of the division administrator's power (*).

The NRA Office Manual reiterates the power of the division administrator (**). The Manual further states that general interpretation are issued over the signature of the Administrator and that explanations are issued by the deputy administrator in charge of the particular code. (***)

Creation of National Industrial Recovery Board

In September, 1934, the President decided upon a change in the form of the administering body of the National Industrial Recovery Act. General Johnson had resigned as Administrator for Industrial Recovery and on September 27, 1934, the President, by Executive Order No. 6859, created the National Industrial Recovery Board, consisting of seven m members. The order appointed S. Clay Williams, A. D. Whiteside, Sidney Hillman, Leon C. Marshall, and Walton Hamilton as members of the Board, and appointed Blackwell Smith Legal Adviser and Leon Henderson, Economic Adviser to the Board. These two advisers served as ex-officio

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(*) See Office Memorandum No. 242-July 6, 1934, NRA Files.
(**) Part III, par. 3132.1. See also Appendix.8.
(***) NRA Office Manual, Part III, par. 3121.1., 3130.2, NRA Files.

members of the board. The five members appointed (other than ex-officio members) were empowered to administer, under the direction of the President, Title I of the Act, and the board was authorized to exercise all powers theretofore conferred by executive orders upon the Administrator for Industrial Recovery. This creation of the board necessarily transferred to it the powers of interpretation which had theretofore been held by the Administrator.

Miscellaneous Delegations

A further delegation of power was made with respect to the issuance of interpretations on April 9, 1934, when the Administrator created the office of Administrative Officer and designated such officer "to act on all matters not otherwise assigned which do not require the Administrator's personal attention, including final approval in the name of the Administrator of codes and other documents requiring the Administrator's action ***". The National Industrial Recovery Board continued this office and its order conferring the authority states "to execute any or all papers, documents, or other instruments in writing required in the performance of the functions and powers delegated to said Board by said Executive Order and otherwise, including, but without limitation, the power to issue orders, approvals, rules or regulations." (*)

A few delegations of the power of interpretation were made in connection with certain phases of code administration. Executive Order No. 6646 required submission of certificates of compliance with codes by Government contractors. The various questions regarding this part of NRA work related to compliance and, on March 1, 1935, the power of interpretation of matters relating to Government contracts was delegated to the Compliance and Enforcement Director.

The necessity of efficient handling of applications for interpretations motivated the authorization of the Chief of the Compliance Division to grant or deny an application for an interpretation which had been referred by any of the state compliance directors (**), when the ordinary procedure leading to a decision by a division administrator had caused undue delay.

Under the terms of Office Order No. 97, June 28, 1934, the determination of "localities" under Executive Order No. 6723 (relating to local service trade agreements) was delegated by the Administrator to the several division administrators.

Code Authorities

Certain codes, by their terms, authorized code authorities to issue interpretations of the provisions of the codes they were administering (***).

(*) Administrative Order X-107, November 1, 1934 - Administrative Order X-93, September 28, 1934, NRA files.

(**) Office Order No. 108, August 16, 1934, NRA files.

(***) See Article XI, Section 5 - Iron and Steel Code, Codes of Fair Competition as approved, U. S. Govt. Printing Office.

Other codes permitted their code authorities to issue bulletins and information in the form of rules and regulations to the members of their respective industries or trades. This report is not concerned with the activities of code authorities in this respect, but it is submitted that such delegation by NRA of the power of interpretation was improper and should be legislatively prohibited (*). It is further suggested that the power of code authorities to issue rules and regulations which are substantive in nature and actually interpret code provisions should meet similar legislative prohibition.

(*) See NRA Legal Research Memorandum No. 785 - Memorandum on the power of code authorities to grant exemptions and to make binding interpretations - For collection of authorities, NRA files.

CHAPTER IV

METHOD OF ISSUANCE OF INTERPRETATIONS AND EXPLANATIONS

The exercise of the power of interpretation and explanation was evidenced in several ways. On some occasions a conditional order of approval was used whereby the President or the Administrator approved a code on condition that certain language in the code shall be interpreted to have a certain meaning (*). In other instances interpretation of codes was made by issuance of an Executive or Administrative Order whereby a certain meaning was applied to a certain type of code provision. (**) It may be argued that such an order is in effect an amendment of a code, but the language used in such orders ("construed", "interpreted", "applied") connotes an exercise of the power of interpretation. The third and most usual method of interpretation was an administrative order or ruling which set forth the particular interpretation (***). Such orders were in most cases confined to the provisions of one code.

Explanations were issued informally in oral or written form. Written explanations were announced in ordinary letters, or by telegram if speedy answer was required.

(*) See for example Condition No. 8 of Order of Approval of Cotton Textile Code - Code No. 1, Codes of Fair Competition as Approved, U. S. Gov't Printing Office.
(**) See Executive Order No. 6355.
(***) See Administrative Orders Nos. 278-88,; 118-135, NRA files.

CHAPTER V

ANALYSIS OF INTERPRETATIONS - CAUSES - TYPES OF CODE PROVISIONS

Practically all types of code provisions were subjected to interpretations, which were issued by NRA for various reasons. At the outset, few people realized the extent, scope and ramifications of codes. The divisions of American industry and trade, the various types of employes and laboring conditions and the many trade practices and usages existent in American industry and trade were matters of conjecture at the time of NRA code-making. It was hoped that most situations could be met by codes, but experience and administration required elaboration of such provisions. Similar situations marked the issuance of Executive and Administrative Orders, thereby causing interpretations of such administrative pronouncements (*)

Codes and the administration thereof in some cases conflicted with existing legal principles or policy determinations of NRA. These conflicts resulted in issuance of general interpretations which by their terms, interpreted all pertinent code provisions so as to remove any doubt as to the meaning thereof. A tabulation of such general interpretations is as follows:

EXECUTIVE ORDERS	ADMINISTRATIVE ORDERS	DATE	SUBSTANCE
6355		10-23-33	No provision in any code shall be so construed as to prohibit payment of patronage dividend.
6464		11-27-33	Interpreted commercial bribery provisions.
6606-A		2-17-33	Further interpretation of Executive Order No. 6355.
6606-F		2-17-33	Interpretation and application of labor provisions affecting handicapped workers.
6711-A		5-15-34	Interpretation and application of labor provisions affecting certain homeworkers.
	X-35	5-18-34	Defined farmers' and consumers' cooperatives
6750-C		6-27-34	Interpretation and application of certain labor provisions as they affected apprentice training programs.

(*) See Administrative Orders Nos. X-78, X-36-2; Executive Order No. 6606-A NRA files

EXECUTIVE ORDERS	ADMINISTRATIVE ORDERS	DATE	SUBSTANCE
	X-78	8-21-34	Interpreting order of termination of exemption granted in Par. III, Administrative Order X-36
	X-98	10-12-34	Interpreting Executive Order No. 6606-A insofar as it applied to allowance of brokerage commissions to cooperative organizations.
	X-106	10-26-34	Interpretation of provisions relevant to collection of expenses of code administration.
	X-124	12-17-34	Interpretationof effect of temporary interruptions in work beyond control of employee as affecting maximum hours and computation of wages under various codes.
	X-130	1-4-35	Interpreted provisions in codes which extended minimum hourly rate of pay to piece workers.
	X-134	1-26-35	Interpreted application of home work provisions as contained in various codes.
	X-137	3-15-35	Interpreted provisions in various codes prescribing term of employment of learners and apprentices.
	X-36-2	3-30-35	Interpreted exemption in paragraph III, Administrative Order No. X-36.

All codes contained statements as to their jurisdiction. Definitions of products, service and methods of manufacture, or distribution were set forth. Likewise, definitions of industry or trade members and various classes thereof were parts of codes. The result was applications for interpretations of such jurisdictional statements. Some interpretations decided whether or not a particular member, service or product of an industry or trade came within the scope of a code. Primarily these questions were ones of classification but the decision thereon depended upon interpretation of the code provision. A few examples are:

INTERPRETATIONS OF MANUFACTURE OF PRODUCTS

ORDER NO.

71-30	Determines code covering manufacture of patching plaster.
84-96	Manufacture of steel manholes placed under Fabricated Metal Products Code
393- 2	Manufacture of flax rope placed under Soft Fibre Mfg. Code.
470- 6	Manufacture of aluminum wire placed under Aluminum Code.

Some questions arose as a result of overlapping definitions; e.g.,:

430-14	Manufacture of cough drops determined a part of Package Medicine Industry rather than Candy Mfg. Industry.
470- 6	Manufacture of aluminum wire under Aluminum Code rather than Electrical Manufacturing Code.

Questions as to the type of service included under a code arose, e.g., Order No. 101-21 - Cleaning and Dyeing Trade Code decided that the cleaning of curtains and rugs by processes defined in said code was subject to its provisions.

Some interpretations as to application of a code referred to methods of manufacturing, e.g., Order No. 83-23 - addition of water to concentrated soap, thereby producing liquid soap, comes under the Soap and Glycerine Code.

Considerations of geographical areas relating to industrial subdivision caused interpretations as to areas etc., e.g., Philadelphia and New York were determined to be near points of cultivation, Order No. 308-A-6, Fresh Oyster Code.

In some cases doubt arose as to whether or not the particular interest or activities of an individual made him a member of an industry (*). Similar cases involved an interpretation of the term "manufacturer" (**)

The author has examined the various administrative orders issued by NRA up to March 15, 1935 and containing interpretations as to classifications of various products, industry groups, or the application of a given code to a certain type of operations, etc.

A tabulation thereof shows the following:

(*) See Order No. 57-9, Pump Manufacturing Industry Code, NRA files.

(**) See Orders Nos. 98-6 and 98-19 - Fire Extinguisher Code - Order No. 279-10 - Steam Heating Equipment Industry Code. NRA files.

INDUSTRY	ORDER	DATE
Aluminum Industry	470- 6	November 5, 1934
American Petroleum Equipment	85- 4	March 28, 1934
Architectural, Ornamental & Misc. Iron, Bronze Wire & Metal Specialties	84C2-2	January 6, 1935
Bank Instrument Mfg. Industry	273- 12	January 9, 1935
Business Furniture, Storage Equipment etc.	68- 27	November 30, 1934
Canning & Packing Machinery & Equipment	75- 8	May 16, 1934
Canning Industry	446- 34	December 6, 1934
Cleaning & Dyeing Trade	101- 21	July 27, 1934
	101- 22	August 30, 1934
Coat & Suit Industry	5- 7	May 17, 1934
	5- 9	May 31, 1934
	5- 17	
Commercial Refrigerator Mfg.	181- 5	April 19, 1934
Complete Wire & Iron Fence Ind.	84L1-12	November 23, 1934
Concrete Masonry Industry	133- 10	August 23, 1934
	133- 13	October 15, 1934
Concrete Pipe Mfg. Ind.	165- 10	July 18, 1934
Cotton Garment Industry	118- 45	April 5, 1934
Cotton Textile	1- 84	August 24, 1934
Curled Hair Mfg. & Horse Hair Dressing	427- 6	November 26, 1934
Cylinder Mould & Dandy Roll	358- 10	August 17, 1934
Dress Manufacturing Ind.	54- 11	June 1, 1934
	54- 14	June 27, 1934
Electrical Industry	4- 38A	August 22, 1934
	4- 77	February 13, 1935
Electric & Neon Sign	506- 11	January 22, 1935
Fabricated Metal Products	84- 48	August 9, 1934
	84- 69	November 1, 1934
	84- 96	December 20, 1934
	84-119	February 27, 1935
Fertilizer Industry	67- 7	March 27, 1934
	67- 9	April 12, 1934
	67- 10	April 12, 1934
	67- 14	April 12, 1934
	67- 33	November 13, 1934
	67- 52	March 4, 1935
Fire Extinguishing Appliance	98- 6	July 23, 1935
	98- 19	November 22, 1934
Fresh Oyster Industry	308A- 6	August 15, 1934
Furniture Mfg.-	145- 18	July 31, 1934
	145- 24	October 12, 1934
Graphic Arts	287-54A	
Laundry Trade	281- 35	September 7, 1934
Leather & Woolen Knit Glove	87- 22	November 24, 1934
Limestone Industry	113- 6	April 23, 1934
Lumber & Timber Products	9- 64	July 28, 1934
Merchandise Warehousing Trade	252- 4	April 6, 1934
Aluminum Permanent Mold Castings Non-Ferrous Foundry Ind.	165- 4	May 17, 1934
Novelty Curtains, Draperies, etc.	79- 4	January 24, 1934

INDUSTRY	ORDER	DATE
Optical Mfg. Ind.	49- 9	Nov. 26, 1934
Paint, Varnish & Lacquer Mfg.	71- 17	May 28, 1934
	71- 30	August 15, 1934
	71- 47	November 13, 1934
	71- 62	February 12, 1935
Paper Distributing Trade	176- 16	August 17, 1934
Paper & Pulp Ind.	120- 9	May 10, 1934
Porcelain Breakfast Furniture	239- 12	August 22, 1934
Pump Mfg. Ind.	57- 9	July 24, 1934
Retail Food & Grocery Trade	182- 23	August 22, 1934
Rubber Mfg.	156- 51	November 19,1934
	156- 53	December 3, 1934
Sand Lime Brick Ind.	365- 2	April 27, 1934
Sanitary & Waterproof Specialties	342- 15	November 9, 1934
Slate Industry	218- 10	July 31, 1934
Soap & Glycerine Mfg.	83- 11	June 5, 1934
	83- 17	July 30, 1934
	83- 20	July 30, 1934
	83- 22	August 2, 1934
	83- 23	August 2, 1934
	83- 34	October 29, 1934
Soft Fibre Mfg.	393- 2	May 21, 1934
Special Tool Die & Machine Shop	122- 19	September 22,1934
Steam Heating Equipment Ind.	279- 10	January 3, 1935
Stereotype Dry Mat	492- 5	December 15,1934
Toy & Playthings	86- 6	May 8, 1934
	86- 16	July 30, 1934
Transit Industry	28- 9	April 26, 1934
	28- 12	April 26, 1934
	28- 14	April 26, 1934
	28- 18	April 26, 1934
	28- 20	April 26, 1934
	28- 21	April 26, 1934
Trucking Industry	278-137	December 27,1934
Undergarment & Negligee	408- 23	December 4, 1934
Valves & Fittings Mfg.	153- 11	September 12,1934
Velvet Industry	188- 6	May 8, 1934
Wholesale Confectioners	458- 16	September 28,1934
Wholesaling or Distributing Trade	201- 25	November 14, 1934
Wholesale Food & Grocery	196- 30	August 25, 1934
	196- 32A	September 22,1934
Wire Rope & Strand Mfg.	84Hl- 7	October 24, 1934
Wool Textile Ind.	3- 11	April 19, 1934
Trucking Ind.	278- 85	October 15, 1934
Infants' & Childrens' Wear Ind.	373- 22	

Interpretation Of Labor Provisions

Most of the interpretations issued by NRA related to labor provisions. The many questions as to rights of employers and employees with respect to hours, wages, general labor provisions, together with questions of classes of employees, types of work, union contracts, sex differentials and equitable adjustment of wages caused a great number of applications for interpretations. The author has examined all of such interpretations and has set forth in various appendices hereto attached and numbered 2, 3, 4, and 5, a tabulation of these interpretations. The tabulation contains certain headings and subheadings, under which are listed the various interpretations relating thereto.

Most of the interpretations of hour provisions related to overtime, peak periods, exemptions for emergencies and averaging provisions. The investigation shows that, where special classes of employees were given longer hours - more interpretations of such provisions were requested. Other questions presented for interpretation referred to holidays, effect of code on existing labor agreements and exemptions of technical and executive employees.

Wage questions, in most cases, required interpretation of overtime, piece work and equitable readjustment clauses. As in the case of hour interpretations, the provisions which created a differential for special employees; e.g., salesmen, apprentices and light task workers, were subjected to interpretation. The majority of interpretations relating to overtime rates were based upon improperly worded averaging provisions for overtime and peak periods. In addition, some doubt existed in codes as to whether or not the overtime rates applied to all employees including special classes set forth in the code. The interpretations of piece work and equitable readjustment clauses were concerned mostly with methods of computation of the wage, both normal and overtime.

Appendix No. 4 shows the interpretations of general labor provisions, and discloses that apprentice provisions were the cause of most of such interpretations.

Appendix No. 5 lists the interpretations of terms describing certain types of employees. These interpretations were presented to NRA in either the form of a direct question; e.g., What is a professional, or a statement of facts showing certain duties followed with a question as to whether or not the duties were those of a particular kind of employee. In some cases specialized employees of a single industry were classified in codes, thereby requiring interpretations which were based upon particular trade usage and custom. The orders of interpretation of the Men's Clothing Code, as listed in Appendix No. 5, are samples of such interpretations.

Most interpretations affecting labor involved labor provisions, however, in some cases the application for interpretation referred to wages or hours, but the determination of the question depended upon an industry or trade classification. Such cases are set forth in Appendix No. 6, attached hereto.

Interpretations Of Trade Practice Provisions

The author has examined all of the interpretations of trade practice rules formally issued by NRA from June 16, 1933 to March 15, 1935. The investigation disclosed that most of such interpretations referred to provisions relating to prices or price regulation. Price filing caused problems as to effective dates, dates of revision, access to records, forms of price lists. Pricing provisions raised questions as to cost basis, inclusion of taxes in prices, application of provisions to sales between industry members and privileges of sale to meet competition. Codes containing uniform discount and credit provisions and prohibitions against advertising allowances were subjects of a number of interpretations. The author has been unable to set forth in detail the substance of all trade practice interpretations, but Appendix No. 7, attached hereto, lists the codes relating to which the various interpretations were issued and the type of code provision affected.

No interpretations of the administrative provisions of the codes were found in assembling the material for this study.

CHAPTER VI

EVALUATIONS AND CONCLUSIONS

The purpose of the power of interpretation and the effect of its exercise is to clarify legislative and administrative pronouncements. Its use and exercise depend upon legislative grant and administrative law dictates that the exercise of this power should be fair and reasonable. No mentions the term "interpretation" or any power thereof is found in the Recovery Act. Any such power is based purely upon a construction of the Act, the wording of which is sufficient for an implication of a grant of power. In view of this lack of specific mention of the term and statement of power, it is suggested that contemplated legislation, if any, with objectives similar to those of the NIRA, make specific reference to the power of interpretation and that full and adequate provision be made whereby the agency charged with the administration of any new act be permitted to exercise this power at any or all times, either generally or specifically.

Administrative attempts to define the terms "interpretations" and "explanation" created a distinction, the boundaries of which were difficult of determination. The methods of issuance and control of "explanations" were incapable of effective administration. The attendant questions of delegation demanded wide decentralization, thereby resulting in further breakdown of the administrative procedure. It is suggested that "explanations" as a basis for administrative action be abolished and that the administrative agency be empowered to issue "interpretations." An administrative board of control, for purposes of uniform and correct determination, is further suggested. Simple guides and standards should be established whereby the preliminary question as to whether or not an interpretation problem is presented can be easily determined.

The exercise of the power of "interpretation" by NRA was without specific delegation thereof. The existence of the power in NRA officials is, with a few exceptions, based upon implications from grants of other powers. It is suggested that delegations contain specific reference to the power of interpretation and that such delegations be confined to the administrative head or board, with as few delegations to lesser officials as possible. If the number of applications for interpretations warrants, the creation of an office of an "Interpretation Officer" is suggested. These suggestions may cause some delay, but the interests of correct interpretation seem to the writer to outweigh the questions of delay. If property and personal interests are dependent upon an interpretation, a regulation whereby the receipt of a bona fide application would grant an automatic exemption pending official interpretation is suggested.

It is suggested that a legislative prohibition against delegations of power of interpretation to such agencies as code authorities should be set up.

It is a maximum of statutory construction that an act of Congress will be liberally construed by the courts in order to give effect to the intention of the legislative body. It is also a rule of statutory construction that acts of Congress creating a punishable criminal offense will be strictly construed in favor of the person accused.

From a consideration of these two opposite modes of construction, it logically follows either that the court could construe a general grant of power to make rules and regulations under Section 10(a) as being restricted in its criminal operation to those violations only which the court considers to have been intended by Congress; or Section 10(a) may be construed as confining the power granted to those rules and regulations alone which are penal by intendment, and a general grant of power to make other rules and regulations may be implied from the act itself.

It should be possible to construe Section 10(a) as granting a general power to the President to prescribe rules and regulations for which a penalty may attach only in certain prescribed instances. In view of the fact, however, that the section makes any violation punishable, the better course would probably lie in insisting upon the construction of Section 10(a) as being restricted in scope to those rules and regulations only which have a penalty prescribed. Otherwise, the objection might be raised in a criminal proceeding that the statute prescribing the penalty was void for uncertainty in not informing the violator of the exact nature of his obligations. However the Act is interpreted, consistency is necessary to avoid complications. It is therefore suggested that future rules and regulations, if any, contain a clause specifically referring to the criminal effect of violation thereof, if new legislation should incorporate the substance of the present Section 10(a).

Chapter V of this report sets forth in brief some of the causes of interpretations and also the types of code provisions affected. A more complete exposition of the problems has not been found possible. It is possible, after examination of such interpretations, to state that the causes of the interpretations examined, in part, are:

1. Faulty drafting of codes.
2. Ignorance of problems and extent of code administration.
3. Necessity of elaboration of general statements contained in codes.
4. Classification of industries.
5. Overlapping code definitions.
6. Removal of inconsistencies of code provisions with executive and administrative declarations of policy.

The report has not considered questions of due process with respect to consideration and issuance of interpretations. Chapter I treats of the inherent power of administrative interpretation, the exercise thereof being within the intendment of the legislation. Sufficient precedent can be found for the proper exercise of this power provided the power is legislatively conferred with a direction that hearing or notice is not required. Such a legislative declaration is suggested.

It is further suggested that the issuance of interpretations be made subject to a rule of precedent and that a properly indexed reference be maintained.

APPENDIX A

FURTHER REVIEW

One of the first steps in the development of this study was the preparation of a work outline, in the anticipation, that circumstances permitting, the final report on the subject would deal with the more important sections of the outline, at least. This outline is included in this report as Appendix No. 1 and it should be useful as a guide to any further study of the subject. A comparison of the outline with the table contents would show that the actual development of the subject in the report fell substantially short of anticipations.

The following suggestions are made with respect to particular matters for further study:

1. Completion, by reference to the files of the National Recovery Administration, of the analysis of all interpretations issued.

2. Further study of the reasons for interpretations, that is, why they had to be issued, with particular reference to the interpretations of the provisions of NRA codes.

3. Other than by the receipt of protests, NRA had little knowledge of the effects of the interpretations it issued. Information of the effects of the interpretations upon industry, labor and by way of repercussion upon NRA itself seemingly would be valuable. The difficulty of determining such effects is fully recognized. Nevertheless, study of the effects of interpretations of a certain type; for example, those issued in an attempt to resolve problems of overlapping code definitions, might, be feasible and productive of useful information.

APPENDIX No. 1

ADMINISTRATIVE PROBLEMS REVIEW

INTERPRETATIONS AND EXPLANATIONS

1. Introduction.

1.1 Objective and scope of study.

2. Bases of power of interpretation and explanation.
2.1 General rules of interpretation.
2.2. Legal principles of interpretation applicable to administrative agencies.
2.3 Bases in the Act.
2.4 Bases in Executive Orders.
2.5 Implied powers.

3. Definition.
3.1 Ordinary definition.
3.2 Legal definition.
3.3 Administrative definition - changes.
3.4 Discussion of difference between terms "interpretation" and "explanation".
3.41 Administrative considerations.
3.42 Precedents for divisions of treatment.
3.43 Administrative effects of division.

4. Delegation of power.
4.1 To make interpretations.
4.11 To the Administrator.
4.111 PRA.
4.112 Codes.
4.12 Transfer of power to NIRB.
4.13 Additional delegation of, limitations or conditions on power granted to NIRB.
4.131 Rules and regulations of NIRB.
4.14 To Division Administrators.
4.15 To Territorial Administrators.
4.16 Necessity of formality of issuance of interpretations.
4.2 To make explanations.
4.21 Administrator - NIRB.
4.211 PRA.
4.212 Codes.
4.22 Division Administrators.
4.23 Deputy Administrators.
4.231 Officials subject to deputy's supervision.
4.24 Specific boards established by Administrator.
4.241 PRA boards.
4.2411 Washington.
4.2412. Local.
4.242 Codes.
4.2421 Washington.

4.2422 Field Offices.
4.2423 Code Authorities.
4.25 State and Regional Directors.
4.26 Compliance Councils.
4.27 Other employees of NRA.
4.28 General limitations upon delegated power.
4.3 Delegation of power to appeal boards.
4.4 Delegation of joint power.

5. Administrative methods of interpretation and explanation.
5.1 Executive order.
5.2 Administrative order.
5.21 Administrator or NIRB
15.22 Division or Deputy Administrator.
15.23 Other officials.
5.3 Decisions of compliance councils.
5.4 Informal written communication.
5.5 Oral communication.

6. Extent and scope of interpretations and explanations.
6.1 General.
6.2 Specific.
6.21 Certain groups of industry or trade.
6.22 Specific industry or trade

7. General causes of interpretations and explanations.
7.1 Ambiguity.
7.11 Double meaning provisions or words.
7.12 Necessity of application of intent of sponsors
7.13 Necessity of application of set of facts to provisions.
7.14 Punctuation and typegraphical errors.
7.2 Conflict with other laws or government agencies.
7.3 Faulty legislative draftmanship.
7.4 Multiple codes and classification problems.
7.5 Necessity of application of administrative policies.

8. General discussion of NRA treatment of questions submitted or initiated as to
8.1 Necessity of interpretation and explanation of orders and codes.
8.2 Inability to control the issuance of explanations.
8.3 Necessity of control and formality of interpretations.
8.4 Administrative declaration of difference between interpretation and explanation.
8.41 Purposes
8.42 Susceptibility of administration.
8.43 Defects, if any.
8.5 Determination of scope of question involved.
8.6 Errors of determination.
8.61 Explanations which were interpretations.
8.62 Interpretations which were explanations.
8.63 Causes.
8.64 Possibilities of correction.
8.65 Actual corrections.
8.66 Typical cases.

9. Types of provisions subject to interpretations and explanation.

9.1 NIRA.
9.2 Executive and Administrative orders.
9.3 Office orders and memos.
9.4 PRA.
9.5 Codes and amendments thereto under Sec. 3 (a) and Sec. 3(d).
9.6 Labor agreements and amendments thereto under Sec. 7(b).
9.7 Rules and regulations having effect of a code.
9.8 Policy rulings.

10. Analysis of applications for interpretations and explanations of code provisions with respect to

10.1 Code definitions.
10.11 Industry or subdivision thereof.
10.12 Members of industry and classifications thereof.
10.13 Distribution agencies.
10.14 Commodities.
10.2 Labor provisions.
10.21 Maximum hours.
10.211 Normal week period.
10.212 Normal day period.
10.213 Overtime tolerances.
10.214 Peak period.
10.22 Minimum wages.
10.221 Normal rate.
10.2211 Hourly rate.
10.2212 Piece rate.
10.2213 Weekly rate.
10.222 Overtime rate.
10.223 Apprentice rate.
10.224 Skilled rate.
10.225 Union contract rate.
10.23 Child labor.
10.24 Apprentice limitations.
10.25 Handicapped workers.
10.26 Standards of safety and health.
10.27 Home work.
10.28 Stretch-out.
10.29 Scrip payments.
10.21 Equitable readjustment of wages above the minimum.
10.22 Posting.
10.23 Collective bargaining.
10.24 Miscellaneous.
10.25 Development of labor policy with respect to interpretations and explanations.
10.26 Legal aspects of labor provision interpretations and explanations.
10.27 Evaluation of experiences.
10.3 Trade practice provisions.
10.31 General Analysis and discussion of trade practice provisions being grouped as follows:
10.311 Generally accepted in law.
10.312 Desirable but not fully accepted in law.
10.313 Desirable but no basis in law.

10.314 Undesirable.
10.315 Unenforcible.
10.32 Price policy.
10.321 Price fixing.
10.3211 Fixed prices.
10.3212 Lowest reasonable price.
10.3213 Modal mark-up.
10.322 Price control.
10.3221 Loss leaders.
10.3222 Loss limitations.
10.323 Open price systems.
10.3231 Institution of system.
10.3232 Particular contracts.
10.3233 Method of operation.

Note: For purposes of discussion bid depository systems are included under this sub-division.

10.324 Cost provisions:
10.3241 Sales below cost.
10.3242 Obsolete goods.
10.3243 Emergency disposals.
10.3244 Competition.
10.325 Accounting systems.
10.3251 Necessity of approval of Administrator.
10.3252 Complexity of system.
10.3253 Difficulties of installation.
10.326 Sales reporting systems.
10.4 Interpretations and explanations of code authority provisions.
10.41 Necessities of interpretations and explanations.
10.42 Interpretations and explanations affecting rights of code authority.
10.43 Interpretations and explanations affecting obligations of code authority.
10.44 Legality.
10.45 Policy.
10.46 Finances.
10.47 Trade association participation.
10.5 Labels.
10.6 Conditional orders of approval.
11. Government contracts.
11.1 Bases of applications for interpretations and explanations of Executive Orders.
11.2 Effect of interpretations and explanations made.

13. Procedure.
13.1 Application by
13.11 Industry member.
13.12 Industry group.
13.13 Code authority.
13.131 National.
13.132 Local.
13.14 Instituted by NRA.
13.141 Industry Division.
13.142 Legal Division.

12.143 Advisory boards.
12.144 Field offices.
12.145 Other departments of NRA.
12.15 Government agencies other than NRA.
12.16 Labor.
12.161 Individual.
12.162 Group of employees.
12.1621 Unorganized.
12.1622 Union.
12.2 To whom was application directed.
12.21 Washington.
12.22 Field offices.
12.23 Code authorities.
12.24 Other governmental agencies.
12.3 Consideration of application.
12.31 By deputy.
12.32 Advisory boards.
12.33 Research and Planning Division.
12.34 Legal Division.
12.35 Administration members and code authority.
12.36 Review Division.
12.37 Extent of consideration by boards, etc., and limitations thereon.
12.38 Division Administrators.
12.39 Higher officials and President.
12.31 Extent of consideration of briefs pro and con.
12.32 Field offices - NRA.
12.4 Discussion of treatment of applications with respect to due process requirements.
12.5 Final action on application.
12.51 Form.
12.52 Notice.
12.6 Time of submission of application.
12.61 Before effective date of code.
12.62 Code administration.
12.63 During compliance complaint.
12.64 During litigation.
12.7 Time required for handling applications.
12.71 Applications received in field.
12.711 Geographical considerations.
12.712 Delays caused by reference to Washington.
12.713 Typical cases.
12.72 Applications received by or referred to Washington.
12.721 Routing of applications.
12.722 Necessity of reference to boards.
12.723 Causes of delay.
12.724 Effects of delay on
12.7241 Code structure.
12.7242 Compliance.
12.7243 Enforcement.

13. Power of subsequent modification of interpretations and explanations.
13.1 N.R.A. initiation.
13.2 Application by industry.
13.3 Application by labor.

13.4 Application by code authorities.
13.5 Application by other parties.
13.6 Bases of application.
13.7 Effects of modification.

14. Substantive problems.
14.1 Should NRA permit code authorities to make interpretations and explanations.
14.2 Should NRA permit field offices to make interpretations and explanations.
14.21 Emergency.
14.22 Permanent.
14.23 If review is had by Washington.
14.3 What requirements of due process should be considered by NRA.
14.31 Notice.
14.32 With or without hearing.
14.4 Should applications for interpretations and explanations be referred to:
14.41 Code authorities.
14.42 Other governmental agencies.
14.43 Administration members.
14.5 General legal effect of amendments and stays upon interpretations and explanations.
14.6 What rights of sponsorship of interpretations and explanations should be permitted?
14.7 What consideration of interpretations and explanations should be afforded industry and labor by NRA?
14.8 To what extent should the power of general interpretations and explanations of all codes by executive order be utilized?
14.9 Should NRA institute interpretations and explanations on its own motion?

15. Effects of interpretations and explanations on
15.1 Code structure.
15.2 Declared purposes of the Act
15.3 Large business units.
15.4 Small enterprises.
15.5 Monopolies.
15.6 NRA Policy.
15.7 Legality.
15.8 Industry.
15.9 Labor.
15.1 Consumers.

16. Evaluation.

17. Conclusions.

18. Bibliography.

Appendix No.2

LIST OF INTERPRETATIONS OF HOUR PROVISIONS

OVERTIME

EMERGENCY WORK ORDER NUMBER	CODE
100- 4	Paperboard
67- 16	Fertilizer
275- 11	Chemical Mfg.
192- 5	Cast Iron Pressure Pipe
28- 8	Transit
83- 69	Soap and Glycerine
83- 79	Soap and Glycerine
9-324	Lumber and Timber Products
149- 2C	Machined Waste Mfg. (See Overtime Payment)
67- 17	Fertilizer (See Averaging)
149- 5	Machined Waste Mfg. (See Overtime Payment)
83- 89	Soap and Glycerine

CONTINUOUS PROCESSES	
275- 7	Chemical Mfg.
40- 11	Electrical Storage and Wet Primary Battery
83- 75	Soap & Glycerine
120- 45	Paper and Pulp (See Occupational Classification)

OVERTIME-WHEN ALLOWED	
185- 11	Concrete Pipe Mfg.
161- 28	Fur Dressing and Fur Dyeing
LP 17- 6	Wheat Flour Milling
2- 27	Shipbuilding & Shiprepairing
60- 60	Retail Trade
278- 92	Trucking (See Overtime Payment)
67- 17, 34	Fertilizer (See Averaging)
192- 5	Cast Iron Pressure Pipe (See Emergency Work)
275- 7	Chemical (See Continuous Processes)
28- 7	Transit (See Averaging)

SEASONAL OVERTIME	
72- 13A	Packing Machinery
67- 42	Fertilizer
192- 5	Cast Iron Pressure (See Emergency Work)
278- 92	Trucking (See Overtime Payment)
347- 18	Machinery & Allied Products (See Overtime
67- 17	Fertilizer (See Averaging) Payment)
132- 10	Malleable Iron (See Calculating Overtime)
60-60	Retail Trade (See Overtime-When Allowed)

SEASONAL OVERTIME (CONT'D.)

ORDER NUMBER	CODE
277- 11, 21	Gray Iron Foundry (See Calculating Overtime)
137- 11A	Warm Air Furnace (See Averaging)
170- 18	Grinding Wheel (See Overtime Payment)

CALCULATING OVERTIME

277- 21	Gray Iron Foundry
71- 13	Paint, Varnish & Lacquer Mfg.
277- 11	Gray Iron Foundry
132- 10	Malleable Iron
67- 49	Fertilizer (See Consecutive Hours)
83- 63	Soap & Glycerine (See Consecutive Hours)
83- 32	Soap & Glycerine (See Overtime Payment)
83- 19	Soap & Glycerine (See Overtime Payment)
167- 23	Set Up Paper Box (See Averaging)
137- 11A	Warm Air Furnace (See Averaging)
72- 13A	Packaging Machinery (See Seasonal Overtime)
185- 11	Concrete Pipe Mfg. (See Overtime-When Allowed)

AVERAGING

67- 17	Fertilizer
67- 34	Fertilizer
83- 39	Soap & Glycerine Mfg.
458- 5	Wholesale Confectioners
110- 15	Hardwood Distillation
167- 23	Set Up Paper Box
529- 4	Pharmaceutical & Biological
533- 5	Window Glass Mfg.
541- 3	Flat Glass Mfg.
137- 11A	Warm Air Furnace,
83- 72	Soap & Glycerine
83- 80	Soap & Glycerine
28- 7	Transit
28- 10	Transit
28- 11	Transit
28-16	Transit
185- 11	Concrete Pipe (See Overtime - When Allowed)
47- 7	Bankers (See Holidays)
174- 5	Rubber Tire Mfg. (See Holidays)
67- 42	Fertilizer (See Seasonal Overtime)
83- 75	Soap & Glycerine (See Overtime-Continuous Processes)
83- 79	Soap & Glycerine (See Overtime-Emergency Work)
105- 62	Automotive Parts & Equipment (See Minimum Wages-Weekly, Daily, Hourly.

UNLIMITED HOURS

ORDER NUMBER	CODE
183- 24	Soap & Glycerine
88- 5	Business Furniture
275- 8	Chemical Mfg.
285- 5	Railway Car Building
278-109	Trucking
LP 10- 6	Brewing
60- 18C	Retail Trade
84-110	Fabricated Metal Products
60- 95	Retail Trade
83- 85	Soap & Glycering Mfg.
83- 86	Soap & Glycering Mfg.
39- 11	Farm Equipment (See Occupational Classif.-Definition of Terms)
60- 93	Retail Trade (See Minimum Wages Salesmen)
149- 2A	Machined Waste Mfg. (See Occupational Classif.-Supervisory Employees-Engaging in Production)
56- 12	Heat Exchange (See Occupational Classif. Processing & Labor Incident Thereto)
521- 5	Adhesive & Ink (See General Labor Provisions - Subterfuge)

WORKING HOURS

CONSECUTIVE HOURS

67- 49	Fertilizer
83- 63	Soap & Glycerine
458- 5	Wholesale Confectioners (See Averaging)
529- 4	Pharmaceutical & Biological (See Averagin

DAYS PER WEEK

67- 18	Fertilizer
201I- 8	Leather & Shoe Findings Trade
458- 5	Wholesale Confectioners (See Averaging)

LABOR AGREEMENTS, STATE LAWS, FORMER CONTRACTS

278- 54A	Trucking
60- 69	Retail Trade
83- 42	Soap & Glycerine

MORE THAN ONE EMPLOYER

83- 18	Soap & Glycerine
46- 16	Motor Vehicle Retailing
278-200	Trucking

WORKING HOURS (CONT'D)

ORDER NUMBER	CODE
HOURS FOR WATCHMEN, FIREMEN, ETC.	
254- 6	Athletic Goods Mfg. (See Occupational Classif.-More than One Occupation)
56- 12	Heat Exchange (See Occupational Classif. Processing & Labor Incident Thereto)
149- 2B	Machined Waste Mfg. (See Occupational Classif.-Definition of Terms)
83- 5	Soap & Glycerine (See Occupational Classif.-More than One Occupation)
423- 16	Drop Forging (See Occupational Classif. Definition of Terms)
254- 10	Athletic Goods Mfg. (See Industry Classif.
14- 2	Rayon & Synthetic Yarn (See Industry Classif.)
HOURS FOR SALESMEN	
83- 62	Soap & Glycerine
60- 93	Retail Trade (See Minimum Wages-Salesmen)
IRREGULAR HOURS - (SPLIT SHIFT, ETC.)	
529- 4	Pharmaceutical & Biological (See Averaging)
X-124	General (See Wages-Waiting Time)
44- 6	Boot & Shoe (See Wages-Waiting Time)
118- 38	Cotton Garment (See Wages-Waiting Time)
118-107	Cotton Garment (See Wages-Waiting Time)
EXTRA ACTIVITIES	
60- 93	Retail Trade
MORE THAN ONE OCCUPATION	
83- 43	Soap & Glycerine
164- 13	Knitted Outerwear (See Occupational Classif.-More Than One Occupation)
254- 6	Athletic Goods (See Occupational Classif. More than One Occupation)
83- 5	Soap & Glycerine (See Occupational Classif.-More Than One Occupation)
57- 11	Pump Mfg. (See Occupational Classif.- More Than One Occupation)
60-208	Retail Trade (See Minimum Wages-Salesmen)

HOLIDAYS (AND VACATIONS)

ORDER NUMBER	CODE
174- 5	Rubber Tire Mfg.
347- 4	Machinery & Allied Products
489- 9	Safety Razor & Safety Razor Blade Mfg.
47- 7	Bankers
83- 72	Soap & Glycerine (Averaging)

PRODUCTIVE MACHINERY

118- 39	Cotton Garment

Appendix No. 3

LIST OF INTERPRETATIONS OF WAGE PROVISIONS

MINIMUM WAGES

WEEKLY, DAILY AND HOURLY

ORDER NUMBER	CODE
124 - 27	Motion Picture
71 - 6	Paint, Varnish & Lacquer Mfg.
46 - 55	Motor Vehicle Retailing
124 - 47	Motion Picture
83 - 8	Soap & Glycerine
124 - 11	Motion Picture
132 - 8	Malleable Iron (See Minimum Wages-Piece Workers)
4 - 73	Electrical Mfg. (See Minimum Wages - Piece Workers)
169 - 12	Savings, Building & Loan Assoc.(See Deductions from Wages-Traveling Expenses)
105 - 62	Automotive Parts & Equipment

LABOR AGREEMENTS, STATE LAWS, ETC.

244- 49	Construction
60 -67	Retail Trade
28 - 13	Transit (See Wage Adjustment)

PIECE WORKERS

31 - 10	Lime
164- 16	Knitted Outerwear
X- 130	General Order
135- 20	Cigar Container
4- 73	Electrical Mfg.
132- 8	Malleable Iron
15- 30	Men's Clothing
164- 7	Knitted Outerwear (See Waiting Time)
83- 12	Soap & Glycerine (See Waiting Time)
219-166	Bedding Mfg. (See Waiting Time)
84- 86	Fabricated Metal Products (See Overtime Payment.)

SALESMEN

60- 208	Retail Trade
145- 32	Furniture Mfg.
189- 8	Coated Abrasives
83- 61	Soap & Glycerine
249- 8	Tag Mfg. (See Occupational Classif.- Definition of Terms)

MINIMUM WAGES (CONT'D.)

SALESMEN

83- 62 Soap & Glycerine (See Working Hours-Salesmen)

46 - 15 Motor Vehicle Retailing (See Occupational Classif.

MORE THAN ONE EMPLOYER

124 - 27 Motion Picture (See Minimum Wages-Weekly, Daily and Hourly)

FIREMEN, WATCHMEN, ETC.

56 - 12 Heat Exchange (See Occupational Classif.- Processing and Labor Incident Thereto)

14- 2 Rayon and Synthetic Yarn (See Industry Classif.)

PROPRIETORS OR OWNERS

84 - 110 Fabricated Metal Products (See Unlimited Hrs.)

WAGE ADJUSTMENT

LIMITATION

21- 4 Leather
287- 229 Graphic Arts
215- 10 American Glassware
234- 26 Macaroni
47- 19 Bankers (See Calculation)
278- 106 Trucking (See Calculation)
445- 6 4 Baking Industry

NORMAL WORKING WEEK- LONGER WORK WEEK

21- 7 Leather
187- 8 Cotton Cloth Glove
1- 88 Cotton Textile
21- 4 Leather (See Limitation)
219- 25 Bedding Mfg.

DIFFERENTIALS

202- 5 Carpet and Rug Manufacturing
187- 8 Cotton Cloth Glove (See Normal Working Week)

LABOR AGREEMENTS

28- 13 Transit

WAGE ADJUSTMENT(CONT'D)

WAGES ABOVE MINIMUM

182- 17	Retail Food and Grocery Trade
487- 19	Importing Trade
47- 20	Bankers
PRA Substitute -	Fluid Milk
445- 64	Baking Industry (See Wage Adjustment-Limitation)
118- 326	Cotton Garment

BONUS

1 - 88	Cotton Textile (See Normal Working Week)

CALCULATION

278- 105	Trucking
278- 106	Trucking
503- 6	Pretzel
142- 66	Retail Jewelry
47- 19	Bankers
83- 32	Soap & Glycerine (See Overtime Payment)
219- 166	Bedding (See Piece Workers)
465- 11	Broom Mfg.
219- 25	Bedding Mfg. (See Longer Work Week)

PIECE WORKERS

219- 16	Bedding Manufacturing

MINIMUM WAGE - 1939 EXEMPTION

105- 34	Automotive Parts and Equipment
4- 74	Electrical Manufacturing
230- 20	Paper Bag Manufacturing
4- 80	Electrical Manufacturing

SUBTERFUGE

60- 70	Retail Trade
487- 19	Importing Trade (See Wages above Minimum)

WAITING TIME - SPLIT SHIFT - ON DUTY

44- 6	Boot and Shoe
164- 7	Knitted Outerwear
83- 12	Soap & Glycerine
118- 12	Cotton Garment
118- 107	Cotton Garment

WAITING TIME - SPLIT SHIFT - ON DUTY

399- 10	Household Goods Storage and Moving Trade
X - 124	General Order

SUB-MINIMUM WAGES

APPRENTICES AND LEARNERS

44- 5	Boot and Shoe Mfg. (See General Labor Provisions-Apprentices and Learners.)
84- 82	Fabricated Metal Products Mfg. (See General Labor Provisions - Apprentices and Learners)
187- 25	Cotton Cloth Glove (See General Labor Provisions - Apprentices and Learners)

HANDICAPPED WORKERS

275- 9	Chemical Manufacturing
46- 52	Motor Vehicle Retailing Trade
46- 55	Motor Vehicle Retailing Trade (See Minimum Wages-Weekly, Daily, hourly)

FEMALE DIFFERENTIAL

105 - 59	Automotive Parts and Equipment

LIGHT TASKS AND LIGHT REPETITIVE WORK

83- 15	Soap and Glycerine
83- 59	Soap and Glycerine
83- 70	Soap and Glycerine
83- 71	Soap and Glycerine
83- 77	Soap and Glycerine
83- 9	Soap and Glycerine (See Genl. Labor Provisions - Light Tasks, etc.

PART TIME WORK

155- 20	Oxyacetylene
60- 18E	Retail Trade
537- 6	Blue Print and Photo Print
124- 47	Motion Picture (See Minimum Wages-Weekly, Daily, Hourly)

WAGE CALCULATION

235 - 10	Textile Processing
219- 166	Bedding Mfg. (See Wage Adjustment-Piece Workers)
1- 88	Cotton Textile (See Wage Adjustment-Normal working Week)

WAGE CALCULATION (CONT'D)

60- 208	Retail Trade (See Minimum Wages-Salesmen)
84- 86	Fabricated Metal Products (See Overtime Payment)
118- 30	Cotton Garment (See Waiting Time)
118- 107	Cotton Garment(See Waiting Time)
155- 20	Oxyactylene (See Sub-Minimum Wages-Part time work)
60- 18E	Retail Trade (See Minimum Wages-Part time work)
31- 10	Lime (See Minimum Wages-Piece Workers)
164- 16	Knitted Outerwear (See Minimum Wages-Piece Workers)
X- 130	General Order (See Minimum Wages - Piece Workers)
135- 20	Cigar Container (See Minimum Wages-Piece Workers)
4- 73	Electrical Manufacturing (See Minimum Wages-Piece Workers)
132 - 8	Malleable Iron (see Minimum Wages-Piece Workers)

OVERTIME PAYMENT

347- 18	Machinery and Allied Products
270- 9	Wood Heel
149- 20,5	Machined Waste Manufacturing
83- 19	Soap and Glycerine
84- 86	Fabricated Metal Products
83- 32	Soap and Glycerine
278- 92	Trucking
180- 46	Photo Engraving
423- 17	Drop Forging
170- 18	Grinding Wheel
145- 10	Furniture Manufacturing
9- 324	Lumber and Timber (See Emergency Work)
278- 105	Case 2- Trucking (See Wage Adjustment)
145- 32	Furniture Manufacturing (See Salesmens Wages)
192- 5	Cast Iron Pressure Pipe (See Emergency Work)
185- 11	Concrete Pipe Mfg. (See Overtime When Allowed)
83 63	Soap and Glycerine (See Consecutive Hours)
145- 25	Furniture Manufacturing (See Industry Classif, Not Integral Part)
83 - 62	Soap and Glycerine (See Working Hours Salesmen)
541- 3	Flat Glass Mfg. (See Averaging)
137- 11A	Warm Air Furnace (See Averaging)
83- 98	Soap and Glycerine

NIGHT WORK

145-	25	Furniture Mfg. (See Industry Classif. Not Integral Part)
145-	10	Furniture Mfg. (See Overtime Payment)
105-	59	Automotive Parts & Equipment (See Sub-Minimum Wages - Female Differential)

METHOD OF WAGE PAYMENT

282-	5	Restaurant
60-	18C	Retail Trade (See Unlimited Hours)
169-	12	Savings, Building and Loan (See Deduction from Wages-Purchase of Stock)

SUB-CONTRACTING

64-	37	Dress Manufacturing

AREA RATES

278-	57	Trucking
278-	88	Trucking
278-	89	Trucking
278-	90	Trucking
399-	13	Household Goods, Storage and Moving Trade
278-	91	Trucking
287-	404	Graphic Arts
83-	57	Soap and Glycerine
244-	48	Construction (See Minimum Wages-Labor Agreements etc.)

BRANCH OFFICES

5-	12	Coat and Suit

PARTNERS AND OWNERS

84-	110	Fabricated Metal Products Mfg. (See Unlimited Hours)
LP10-	6	Brewing (See Unlimited Hours)

DEDUCTIONS FROM WAGES

SPOILAGE, SHORTAGE, ETC.

23-	9	Underwear and Allied Products
501-	8	Manufacturing and Wholesale Surgical
282-	5	Restaurant (See Method of Wage Payment)

PURCHASE OF STOCK

169- 12 Savings, Building and Loan Associations

HOLIDAYS

489- .9 Safety Razor & Safety Razor Blade (See Hours - Holidays)

TRAVELING EXPENSES

169- 12 Savings, Building and Loan Associations

TRANSPORTATION

348- 15 Burlesque Theatrical

APPENDIX NO. 4

LIST OF INTERPRETATIONS OF GENERAL LABOR PROVISIONS

APPRENTICES AND LEARNERS - DEFINITION AND REGULATIONS

ORDER NUMBER	CODE
5- 8	Coat & Suit
107- 5	Ladder Mfg.
118-54A	Cotton Garment
44- 5	Boot & Shoe Mfg.
457- 14	Cap & Cloth Hat
84- 82	Fabricated Metal Products Mfg.
506- 10	Electric & Neon Sign
187- 25	Cotton Cloth Glove
X-137	General Order
54- 29	Throwing

SUB-LETTING LABOR CONTRACTS

244I- 10	Plumbing Contracting
64- 37	Dress Mfg. (See Wages-Sub-Contracting)

SUBTERFUGE

RECLASSIFICATION OF EMPLOYEES

521- 5	Adhesive & Ink Mfg.
60- 70	Retail Trade (See Wage Adjustment-Subterfuge)

HANDICAPPED WORKERS

LP 17- 6	Wheat Flour Milling (See Overtime-When Allowed)
275- 9	Chemical Mfg. (See Sub-Minimum Wages-Handicapped workers)
46- 52	Motor Vehicle Retailing (See Sub-Minimum Wages-Handicapped Workers)

HOMEWORK

X-134	General Order

LIGHT TASKS REGULATIONS

83- 9	Soap & Glycerine

NIGHT WORK

145- 10	Furniture Mfg. (See Overtime Payment)
145- 25	Furniture Mfg. (See Ind. Classif.-Not Integral Part)

CHILD LABOR

LP 17- 3 9843	Wheat Flour Milling

APPENDIX NO. 5

LIST OF INTERPRETATIONS OF OCCUPATIONAL CLASSIFICATIONS

DEFINITION OF TERMS

ORDER NUMBER	CODE
275- 8	Chemical Mfg. (Executive, Administrative Supervisory, Tech.)
48- 14	Silk Textile (Productive Employees)
149- 23	Machined Waste Mfg. (Outside Crews)
39- 11	Farm Equipment (Field Service Men)
142- 22	Retail Jewelry Trade (Professional)
60-103	Retail Trade (Professional)
60-163	Retail Trade (Professional)
67- 38	Fertilizer (Agent)
280- 81	Retail Solid Fuel (Salesmen)
249- 8	Tag Industry (Salesmen)
182- 24	Retail Food and Grocery Trade (Salesmen)
363- 21	Men's Neckwear (Cutters)
162- 7	Domestic Freight Forwarding (Clerk)
164- 30	Knitted Outerwear (Shipping Crew)
90- 17	Funeral Supply (Supervisors)
287-424	Graphic Arts (Binding & Ruling)
15- 41	Men's Clothing (Non-Manufacturing)
15- 42	Men's Clothing (Manufacturing)
120- 45	Paper & Pulp (Tour Workers)
15- 24	Men's Clothing (Non-Manufacturing)
126- 31	Chinaware & Porcelain Mfg. (Watchmen)
120- 44	Paper & Pulp (Artisans)
423- 16	Drop Forging (Plant Engineers and Maintenance Men)
15- 18	Men's Clothing
15- 20	Men's Clothing
15- 21	Men's Clothing
15- 22	Men's Clothing
15- 23	Men's Clothing
15- 24	Men's Clothing
15- 25	Men's Clothing
15- 26	Men's Clothing
15- 27	Men's Clothing
15- 28	Men's Clothing
15- 40	Men's Clothing
28- 17	Transit
60-208	Retail Trade (See Minimum Wages-Salesmen)
285- 5	Railway Car Bldg. (See Unlimited Hours)
71- 6	Paint, Varnish & Lacquer (See Minimum Wages-Weekly, Daily, Hourly)
83- 15	Soap & Glycerine (See Sub-Minimum Wages-Light Tasks)
145- 32	Furniture Mfg. (See Minimum Wages-Salesmen)
84-110	Fabricated Metal Products (See Unlimited Hours)

DEFINITION OF TERMS (CONT'D)

ORDER NUMBER	CODE
60- 18C	Retail Trade (See Unlimited Hours)
83- 59	Soap & Glycerine (See Sub-Minimum Wages-Light Tasks)
83- 70	Soap & Glycerine (See Sub-Minimum Wages-Light Tasks)
83- 71	Soap & Glycerine (See Sub-Minimum Wages-Light Tasks)
83- 77	Soap & Glycerine (See Sub-Minimum Wages-Light Tasks)
83- 62	Soap & Glycerine (See Working Hours-Salesmen)
189- 8	Coated Abrasives (See Minimum Wages-Salesmen)
46- 15	Motor Vehicle Retailing
83- 85	Soap & Glycerine (See Unlimited Hours)

MORE THAN ONE OCCUPATION

164- 13	Knitted Outerwear
254- 6	Athletic Goods Mfg.
83- 5	Soap & Glycerine
57- 11	Pump Mfg.
15- 19	Men's Clothing
15- 29	Men's Clothing
28- 15	Transit
60-208	Retail Trade (See Minimum Wages-Salesmen)
83- 43	Soap & Glycerine (See Working Hours - More than one Occupation)
83- 92	Soap & Glycerine
445- 66	Baking Industry

SUPERVISORY EMPLOYEES ENGAGED IN PRODUCTION

149- 2A	Machined Waste Mfg.

PROCESSING AND LABOR INCIDENT THERETO

56- 12	Heat Exchange

9848

APPENDIX NO. 6

LIST OF INTERPRETATIONS OF INDUSTRY CLASSIFICATION

ORDER NUMBER	CODE
75- 8	Canning & Packing Machinery
83- 17	Soap & Glycerine
185- 10	Concrete Pipe Mfg.
244- 24	Construction
254- 10	Athletic Goods Mfg.
278- 85	Trucking
14- 2	Rayon & Synthetic Yarn
197- 11	Retail Farm Equipment

MANUFACTURING FOR OWN USE

3- 11	Wool Textile
118- 45	Cotton Garment
57- 9	Pump Mfg.
79- 4	Novelty Curtains, Draperies, Bedspreads, Etc.
83- 20	Soap & Glycerine Mfg.
67- 52	Fertilizer

NOT INTEGRAL PART

275- 10	Chemical Mfg.
278-123	Trucking
244- 40	Construction
145- 25	Furniture Mfg.
275- 12	Chemical Mfg.
287- 210	Graphic Arts
64- 11	Dress Mfg.

Office Memorandum 282
Policy Decision No. 5 (Code 278)
Policy Decision No. 3 (Code 287)

MULTIPLE COVERAGE

Office Memorandum 282
X-122 General Order

APPENDIX NO. 7

LIST OF CODES AS TO WHICH INTERPRETATIONS OF TRADE PRACTICE PROVISIONS WERE ISSUED.

(See page 5 of this exhibit for types of provisions affected.)

CODE	ORDER NO.	DATE
Anti-Friction Bearing	138-15	Dec. 26, 1934
Asphalt Tile Industry	150-8	April 19, 1934
Baking Industry	445-14	Oct. 12, 1934
" "	445-27	Jan. 8, 1935
Bedding Mfg. Industry	219-2A	Mar. 23, 1934
" "	219-5A	
Booksellers Trade	60A-8	June 14, 1934
" "	60A-10	Aug. 29, 1934
Bottled Soft Drink	459-12	Aug. 29, 1934
" "	459-15	Oct. 6, 1934
Buff and Polishing Wheel Ind.	96-7	May 8, 1934
" " " "	96-19	Jan. 5, 1935
Builders' Supplies Trade	37-15	Aug. 7, 1934
Candy Manufacturing	463-10	Aug. 30, 1934
" "	463-19	Oct. 29, 1934
Canning and Packing Machinery	75-18	Aug. 17, 1934
" " " "	75-22	Oct. 23, 1934
Carbon Dioxide Industry	275B-5	July 9, 1934
Cast Iron Soil Pipe	18-19	Jan. 4, 1935
Chinaware and Porcelain	126-29	Dec. 18, 1934
Coffee Industry	265-8	June 5, 1934
" "	265-9	June 5, 1934
Complete Wire & Iron Fence	84L1-18	Jan. 3, 1935
Concrete Pipe Mfg.	185-11	July 27, 1934
Construction Industry	244-28	Aug. 6, 1934
" "	244-29	Aug. 9, 1934
" "	244-51	Jan. 2, 1935
Cotton Cloth Glove Mfg.	187-13	July 24, 1934
" " "	187-24	Jan. 18, 1935
Cotton Converting Industry	1A-2	May 3, 1934
" " "	1A-3	July 14, 1934
Cotton Garment	118-39	March 30, 1934
Crushed Stone, Sand and Gravel, and Slag Ind.	109-10	April 16, 1934
" " " " "	109-11	April 18, 1934
Cutlery, Manicure Implement & Painters & Paperhangers Tool Mfg.	84J-7	Oct. 18, 1934
Dress Manufacturing Ind.	64-12	
" " "	64-13	
" " "	64-18	
" " "	64-35	Nov. 27, 1934
Dental Laboratory	217-25	Jan. 25, 1935
Electric Storage & Wet Primary Battery	40-12	Sept. 12, 1934

Excelsior & Excelsior Products	146-6	June 13, 1934
Fertilizer Industry	67-6	March 16, 1934
" "	67-12	April 12, 1934
" "	67-13	April 12, 1934
" "	67-19	April 12, 1934
" "	67-20	April 12, 1934
" "	67-21	April 12, 1934
" "	67-22	April 12, 1934
" "	67-23	April 12, 1934
" "	67-24	April 12, 1934
" "	67-25	April 12, 1934
" "	67-37	Nov. 5, 1934
Fire Extinguishing Apparatus	98-3A	
" " "	98-7	July 23, 1934
" " "	98-15	Aug. 28, 1934
Funeral Supply Industry	90-13	Oct. 29, 1934
Fur. Manufacturing Ind.	145-8	May 11, 1934
Fur Manufacturing	436-21	Feb. 18, 1935
Handkerchief Industry	53-4	May 9, 1934
Industrial Safety Equipment	315-5	Sept. 8, 1934
Investment Bankers	141-18	June 29, 1934
Job Galvanizing Metal Coating	84B1-9	Nov. 20, 1934
Knitted Outerwear	164-18	Aug. 29, 1934
Lace Manufacturing	6-9	Aug. 30, 1934
Laundry & Dry Cleaning Mach.	34-14	Oct. 10, 1934
Leather & Shoe Findings	201-I-8	Oct. 19, 1934
Light Sewing Except Garments	226-16	June 21, 1934
Lye Industry	300-3	Aug. 1, 1934
" "	300-4	Aug. 1, 1934
" "	300-5	Aug. 1, 1934
Macaroni Industry	234-20	Oct. 18, 1934
" "	234-21	Nov. 9, 1934
Machine Knife & Allied Steel Products	263-8	July 6, 1934
Machined Waste Mfg.	149-4	Feb. 5, 1934
Malleable Iron	132-9	May 17, 1934
Mayonnaise Industry	349-4	
" "	349-13	
Men's Neckwear Industry	363-4	May 14, 1934
Metal Window	205-4	April 19, 1934
" "	X48-1	Nov. 19, 1934
Mica Industry	306-3	May 3, 1934
Motion Picture Industry	124-14	April 17, 1934
" " "	124-39	Nov. 8, 1934
Motor Fire Apparatus	108-8	July 31, 1934
" " "	108-10	Aug. 2, 1934
" " "	108-21	Dec. 27, 1934
Motor Vehicle Retailing	46-5	March 7, 1934
Non-Ferrous Foundry Ind.	165-22	Dec. 20, 1934
Nottingham Lace Curtain	78-8	Aug. 2, 1934
Open Steel Flooring (Grating) Manufacturing Industry	84-01-8	Dec. 20, 1934
Outdoor Advertising Trade	304-4	

Oxy-Acetylene Industry	155-5	Feb. 16, 1934
" "	155-6	Feb. 16, 1934
" "	155-7	April 17, 1934
" "	155-9	April 20, 1934
" "	155-11	May 4, 1934
" "	155-13	June 13, 1934
Paint, Varnish & Lacquer Mfg. Industry	71-4	March 30, 1934
" " "	71-10	May 28, 1934
" " "	71-11	May 28, 1934
" " "	71-12	May 28, 1934
" " "	71-14	May 28, 1934
" " "	71-15	May 28, 1934
" " "	71-16	May 28, 1934
" " "	71-18	May 28, 1934
" " "	71-19	May 28, 1934
" " "	71-20	May 28, 1934
" " "	71-21	May 28, 1934
" " "	71-22	May 28, 1934
" " "	71-32	Aug. 24, 1934
" " "	71-33	Sept. , 1934
" " "	71-35	Sept. 17, 1934
" " "	71-36	Sept. 21, 1934
" " "	71-56	Dec. 21, 1934
" " "	71-46	Nov. 6, 1934
Paper Bag Mfg.	230-16	Aug. 27, 1934
Plumbing Fixtures	204-21	Dec. 3, 1934
Precious Jewelry	130-13	Nov. 27, 1934
Reinforcing Materials Fabricating Industry	127-11	Aug. 30, 1934
Retail Farm Equipment	197-11	
Retail Food & Grocery Trade	182-18	July 24, 1934
" " "	182-20	July 25, 1934
" " "	182-33	Sept. 25, 1934
Retail Jewelry Trade	142-44	Dec. 21, 1934
Retail Lumber	33-12	April 17, 1934
Retail Monument Industry	366-13	Oct. 19, 1934
Retail Tobacco Trade	466-7	July 28, 1934
" " "	466-16	Oct. 26, 1934
Retail Trade	60-18A	March 6, 1934
" "	60-18B	March 6, 1934
" "	60-18D	March 6, 1934
" "	60-18F	March 6, 1934
" "	60-18G	March 6, 1934
" "	60-27	April 6, 1934
" "	60-59	April 20, 1934
" "	60-65	April 26, 1934
" "	60-66	April 26, 1934
" "	60-68	April 26, 1934
" "	60-96	June 4, 1934
" "	60-97	June 7, 1934
" "	60-113	

Rubber Manufacturing	156-10	April 23, 1934
" "	156-11	April 23, 1934
" "	156-12	April 23, 1934
" "	156-13	April 23, 1934
Salt Producing Industry	20-5	Aug. 28, 1934
" " "	20-12	Dec. 15, 1934
Slate Industry	218-13	Oct. 11, 1934
Small Arms and Ammunition Mfg. Industry	354-5	May 31, 1934
Smoking Pipe Manufacturing	225-4	June 6, 1934
Snap Fastener	84P-11	Feb. 8, 1935
Solid Braided Cord Industry	309-9	
Standard Steel Barrel and Drum Mfg. Industry	84Z-11	Dec. 20, 1934
Steel Package Mfg. Industry	84Y-11	Dec. 20, 1934
Tool & Implement Mfg. Ind.	84G-2A	April 9, 1934
" " "	84G-5	July 12, 1934
Toy & Playthings	86-22	Nov. 20, 1934
Transit Industry	28-19	April 26, 1934
Velvet Industry	188-11	Sept. 22, 1934
Venetian Blind Ind.	229-4	June 9, 1934
Vitreous Enameled Ware Mfg.	84Q1-2	Oct. 15, 1934
" " "	84Q1-7	Nov. 20, 1934
" " "	84Q1-12	Dec. 3, 1934
Wholesale Automotive Trade	163-13A	Sept. 19, 1934
Wholesale Confectioners'	458-10	Aug. 27, 1934
Wholesale Food & Grocery	196-13	
" " "	196-15	July 24, 1934
" " "	196-17	July 25, 1934
" " "	196-23	Aug. 30, 1934
Baking Industry	445-45A	Feb. 21, 1935
Carbon Dioxide	275B-21	Feb. 7, 1935
Complete Wire & Iron Fence	84L1-23	March 13, 1935
Electric Storage & Wet Primary Battery	40-22	Feb. 21, 1935
Non-Ferrous Foundry	165-29	Feb. 9, 1935
Retail Trade	60-357	Feb. 5, 1935
Standard Steel Barrel & Drum Mfg.	84Z-15	March 2, 1935
Crushed Stone, Sand and Gravel and Slag Industries	109-44	Oct. 6, 1934

LIST OF TRADE PRACTICE RULES WHICH WERE INTERPRETED.

(From Codes listed on Pages 48 - 51)

CODE PROVISION	CODE
Advertising	Baking Industry
"	Cotton Converting
" "Bankrupt and Fire Sales"	Retail Trade
" "direct-to-you"	Retail Trade
" Finance Charges	Retail Trade
" Installment Sales	Retail Trade
" "No Down Payment"	Retail Trade
" as to Repairs	Retail Jewelry
" Mention of Retailers	Velvet
" Of "Sales"	Retail Trade
" Allowances	Dress Manufacturing
" "	Mayonnaise
" "	Outdoor Advertising Trade
" "	Small Arms and Ammunition
" "	Standard Steel Barrel
" "	Vitreous Enameled Ware Mfg.
Alaska, Sales To	Paint, Varnish and Lacquer
Assent to Code	Retail Trade
Audit of Records	Coffee Industry
Bids, Regulations concerning	Construction Industry
Billing, at other than filed price	Cotton Cloth Glove
Blanket Orders	Cast Iron Soil Pipe
Break and take,	Candy Manufacturing
Break and take,	Wholesale Confectioners
Brokerage, as Rebate	Salt Producing
" Definition of	Salt Producing
Cancellation of Order	Dress Mfg.
Capacity Control	Lace Mfg.
" "	Moving of plant (Crushed Stone)
" " New Machinery	Excelsior & Products
Catalogs, Filing of	Complete Wire & Iron Fence
Chain Store Sales	Bottled Soft Drink
Clearance Merchandise, Marking of	Retail Trade
Closeouts, Invoicing of	Furniture Mfg.
Colors, Allowable Number	Paint, Varnish & Lacquer
Combination Sales	Paint, Varnish & Lacquer
" "	Retail tobacco
Commissions	Machined Wastes
Concessions, Employing of Purchaser	Fertilizer
Confirmation of Order	Nottingham Lace Curtain
Consignment Selling	Paint, Varnish & Lacquer
Contracting at Fixed Price	Paint, Varnish & Lacquer
Contracts, Details to be Included	Retail Monument
" , Reporting of	Paper Bag Mfg.
Cooperatives, Commissions to	General Interpretation
Costs, "Actual Capital Costs"	Rubber Mfg.
", Calculations of	Retail Trade

Costs, Calculations of Premiums	Retail Trade
" , Inclusion of Discounts	Retail Trade
" , Reporting of	Rubber Mfg.
Datings	Anti-Friction Bearing
"	Men's Neckwear
"	Paint, Varnish and Lacquer
Discounts & Credit Terms	Anti-Friction Bearing Industry
" " "	Handkerchief
" " "	Motor Fire Apparatus
" " "	Snap Fastener
" , Cash	Paint, Varnish and Lacquer
" , To Co-Operatives	Fertilizer
" , Maximum	Laundry and Dry Cleaning Machinery
" , Quantity	See Quantity Discounts
" , To teachers	Booksellers Trade
" , Trade	Bias Tape Industry
" "	Mica
" , On Trade Orders	Retail Food & Grocery
Dividends to Customers	Baking Industry
Employing Purchaser	Fertilizer
" "	Re-enforcing Materials
Exhibitions	Small Arms and Ammunition
Export Exemptions	Fire Extinguishing Appliance
False Invoicing	Cutlery, Manicure Implement, Etc.
Filing of Prices	See Price Filing
Filing of Zones	Fertilizer
Financing Charges	Retail trade
Free Goods	Machine Knife
" Services	Malleable Iron
" Trials	Canning & Packing Machinery
" "	Paint, Varnish and Lacquer
Government Contracts	General Interpretations Order X-48
Guarantees, Price	See Price Guarantees
Guarantees, Product	Bituminous Coal
Installation, Sub-Letting of Contracts to Buyer	Metal Window
Installment Sales, Finance Charges	Retail Trade
Invoicing, of Closeouts	Furniture Mfg.
" , Other than at Filed Price	Cotton Cloth Glove
Labeling, Descriptive	Solid Braided Cords
Labeling, N.R.A.	Fur Manufacturing
Loans to Purchasers	Paint, Varnish and Lacquer
Loss Limitation Provision Retail Drugs	Retail Trade
Machine Hours, daily limitations	Cotton Garment
Marking of Clearance Merchandise	Retail Trade
Mark-up, for Wholesale Functions	Wholesale Food & Grocery
Moving of Plant	Crushed Stone, Sand & Gravel
New Machinery Limitations	See Capacity Control
Open Prices	See Price Filing
Penalties reducing price	Bituminous Coal
Premiums and Prizes	Baking Industry
" "	Bottled Soft Drink
" "	Filing of (Candy Manufacturing)

Premiums and Prizes	Macaroni
" "	Paint, Varnish and Lacquer
" " , Race Nights and Bank Nights	Motion Picture (Vitreous Enameled Ware Mfg.)
Price Filing	Builders Supplies
" "	Retail Lumber
" "	Vitreous Enameled Ware Mfg.
" " , Access to records	Tool and Implement
" " , Advance disclosures	Crushed Stone, sand and Gravel
" " , Agency to Receive	Plumbing Fixtures
" " , Billing above or below filed prices	Cotton Cloth Glove
" " , By Dealer	Fertilizer
" " , Catalogues	Complete Wire & Iron Fence
" " , Date of Receipt	Industrial Safety Equipment
" " , Date of Revision	Fire Extinguishing Appliance
" " , Date of Revisions	Motor Fire Apparatus
" " , Date of Revisions	Venetian Blinds
" " , Definition of Price	Light Sewing
" " , Discounts	Laundry and Dry Cleaning Machinery
" " , Discounts	Snap Fastener
" " , Effective Date	Macaroni
" " , Effective Date of First	Filing Motor Fire Apparatus
" " , Inclusion of premiums	Candy manufacturing
" " , Items not filed	Fertilizer
" " , New Prod.	Buff and Polishing Wheel
" " , Prescribing of form	Job Galvanizing Metal Coating
" " , Revisions	Complete Wire and Iron Fence
" " , Revisions	Rubber Manufacturing
" " , With Reservation Clause	Carbon Dioxide
" " , Sales by Agent	Fertilizer
" " , Selling prices above the minimum	Carbon Dioxide
" " , To meet competition	Crushed Stone, Sand and Gravel
" " , To meet competition	Fertilizer
" " , With whom filed	Fertilizer
Price Guarantees	Cast Iron Soil Pipe
" Protection	See Price Guarantees
" Provisions, Effective in small towns	Retail Farm Equipment
Prices, Audit of most records	Coffee Industry
Prices, Charge for Analysis	Non-Ferrous Foundry
Prices, Cost Basis	Buff and Polishing Wheel
Prices, Direct Delivery by Mfrs. to Retailer	Wholesale Food and Grocery
Prices, Grocery	
Prices, For similar Quantities in Different Containers	Retail Tobacco
Prices, to Government Purchasers	Slate
Prices, Identical Products	Wholesale Food and Grocery

Prices, Inclusion of Tax	Wholesale Food & Grocery
" , Inclusion of Tax	Retail Food & Grocery
" , Reduction by penalties	Bituminous Coal
" , Prices, Sales between Members	Slate
" , Selling below publisher's list	Booksellers Trade
" , To meet competition	Retail Food and Grocery
Prices, See Premiums and Prizes	
Processing, Charge for	Paint, Varnish and Lacquer
Products Guarantees	Bituminous Coal
Product Guarantees	Smoking Pipe
Product Guarantees	Electric Storage Battery
Quantity Differentials	Standard Steel Barrel
" "	Steel Package
" Discounts	Bias Tape
" "	Bottled Soft Drink
" "	Chinaware and Porcelain
" "	Fertilizer
" "	Knitted Outerwear
" "	Motor Fire Apparatus
" "	Wholesale Automotive
Rebates: See Secret Rebates	
" , Quantity or Volume	Vitreous Enameled Ware Mfg.
Rental Charges, To State Governments, etc.	Oxy-Acetylene
Repaired Batteries, Definition of	Elec. Storage Battery
Repairs, Advertising of	Retail Jewelry
Reprocessing	Paint, Varnish and Lacquer
Resale Prices	Fertilizer
Returned Goods	Smoking Pipe
Sales Below List Price, to States,etc.	Motor Vehicle Retailing
Sales Below Publisher's list price	Booksellers Trade
" Between Members	Paint, Varnish and Lacquer
" To Fraternities	Precious Jewelry
" To Hospitals	Asphalt & Mastic Tile Industry
Second Hand Material	Bedding Mfg.
Secret Rebates	Dress Mfg.
Shipping Terms	Cotton Converting
Solicitations	Investment Bankers
Special Services, Charge for	Non-Ferrous Foundry
Standardization,	Tool and Implement
Store Hours	Leather and Shoe Findings
Style Piracy	Toy and Playthings
Substituting, of Higher Priced Articles	Open Steel Flooring
Terms of Sale, Shipment	Cotton Converting
Trade Acceptance, Payment by	Paint, Varnish and Lacquer
Trade Discounts,	Bias Tape
Transportation Charges	Funeral Supply
Transportation Charges	Oxy-Acetylene
" "	Paint, Varnish and Lacquer
" " "Destination"	Lye Industry

Transportation Charges	Government Purchases	Lye Industry
" "	Stop-in-Transit	Lye Industry
Trials, Free		Canning & Packing Machinery
Tying Contracts, Short	Subjects-Serials	Motion Picture
Zones, Filing of		Fertilizer.

APPENDIX NO. 8

NRA PROCEDURE ON THE ISSUANCE OF INTERPRETATIONS

General Interpretations.

The NRA Office Manual (*) stated that "identical language which appears in different codes should be interpreted uniformly."

The term "general interpretations" was applied to rulings of general application with respect to the meaning of provisions of codes and in some instances to the meaning of other documents, such as Executive or NRA Orders. These were authorized only when issued over the signature of the Administrator or in the name of the National Industrial Recovery Board by the Administrative Officer.

Particular Interpretations.

These are contrasted with general interpretations in the Office Manual (**) by calling them "Other Interpretations." Thus were included all the interpretations which were applied to specific cases, such as, the meaning of the provisions of a single code; the classifying by interpretation of enterprises as to code jurisdiction; the resolving by interpretation of problems arising from the overlapping definitions of particular codes. Interpretations of this type might be approved by NRA division administrators.

An NRA committee prepared in May 1935, procedural "flow charts" (***) based on the provisions of theNRA Office Manual. The charts on "General Interpretations of Codes" and "Interpretations for Individual Codes", are reproduced in this appendix exhibit in illustration of the required procedure as of April 10, 1935, for the issuance of interpretation rulings. There were no important variations in the procedure of any of the NRA Industry divisions, although it was found that only six of the eleven divisions followed exactly the procedure illustrated.

The broken lines used in the charts to denote intermediate movements and conferences between the various administrative units, did not always represent a simple and direct exchange. On the contrary, these exchanges were often complex and involved much discussion.

The charts were drawn to illustrate cases in which request for interpretations originated with a code authority. It should be kept in mind that the NRA might issue an interpretation on its own initiative or that a request for an interpretation might originate outside NRA from other sources than the code authority. A general interpretation might be issued

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(*) Part III, Index 3121.1 - Office Manual, August 30, 1934.

(**) Part III, Index 3122 - Office Manual, August 30, 1934.

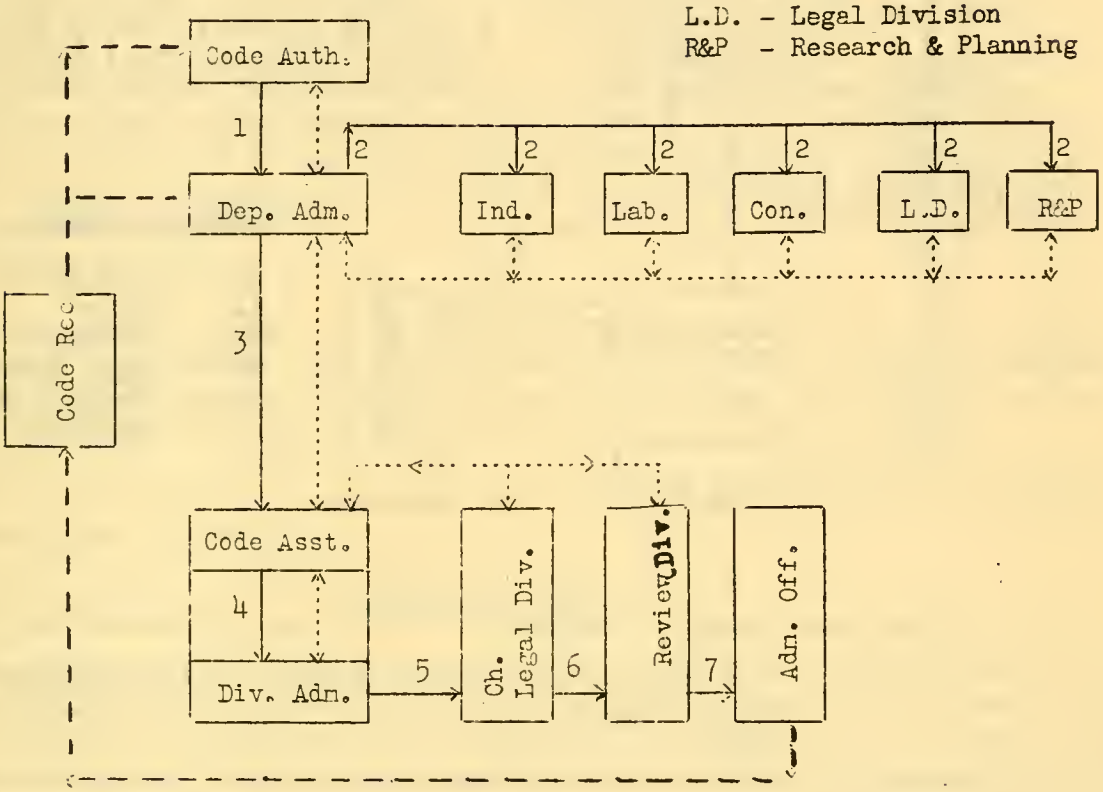
(***) Report of the Committee for the Study of Administration Procedure, dated May 21, 1935, Central Record Section, NRA files.

in the form of an Executive Order, without recourse to the NRA procedure illustrated by the charts, although ordinarily the Order would be issued upon the request of NRA and after receiving consideration by it. However, whether or not they originated with a code authority, the great majority of interpretations issued subsequent to the date that the procedure illustrated was established, undoubtedly passed through the NRA administrative channels indicated by the charts.

GENERAL INTERPRETATIONS

Advisory Boards

Ind. - Industrial
Lab. - Labor
Con. - Consumer
L.D. - Legal Division
R&P - Research & Planning



——————— Steps of Progress

- - - - - - - - - - In Exceptional Cases

..... Intermediate Movements, Conferences, etc.

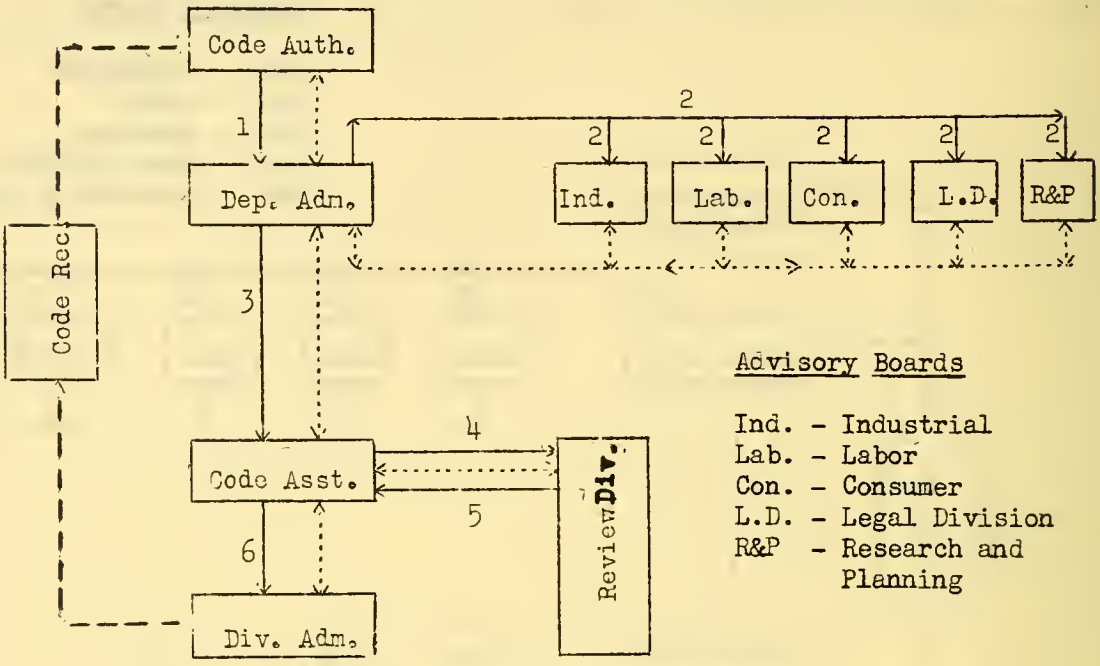
- - - - - - - - - - After Signature

Delays

1. Exceptional cases may go to Advisory Council.
2. May go to Advisory Council in special cases.

9843

INTERPRETATIONS FOR INDIVIDUAL CODES



Delays

1. Possible exceptions to policy must go to Administrative Officer.
2. Exceptional cases may go to Advisory Council.

9843

OFFICE OF THE NATIONAL RECOVERY ADMINISTRATION

THE DIVISION OF REVIEW

THE WORK OF THE DIVISION OF REVIEW

Executive Order No. 7075, dated June 15, 1935, established the Division of Review of the National Recovery Administration. The pertinent part of the Executive Order reads thus:

> The Division of Review shall assemble, analyze, and report upon the statistical information and records of experience of the operations of the various trades and industries heretofore subject to codes of fair competition, shall study the effects of such codes upon trade, industrial and labor conditions in general, and other related matters, shall make available for the protection and promotion of the public interest an adequate review of the effects of the Administration of Title I of the National Industrial Recovery Act, and the principles and policies put into effect thereunder, and shall otherwise aid the President in carrying out his functions under the said Title. I hereby appoint Leon C. Marshall, Director of the Division of Review.

The study sections set up in the Division of Review covered these areas: industry studies, foreign trade studies, labor studies, trade practice studies, statistical studies, legal studies, administration studies, miscellaneous studies, and the writing of code histories. The materials which were produced by these sections are indicated below.

Except for the Code Histories, all items mentioned below are scheduled to be in mimeographed form by April 1, 1936.

THE CODE HISTORIES

The Code Histories are documented accounts of the formation and administration of the codes. They contain the definition of the industry and the principal products thereof; the classes of members in the industry; the history of code formation including an account of the sponsoring organizations, the conferences, negotiations and hearings which were held, and the activities in connection with obtaining approval of the code; the history of the administration of the code, covering the organization and operation of the code authority, the difficulties encountered in administration, the extent of compliance or non-compliance, and the general success or lack of success of the code; and an analysis of the operation of code provisions dealing with wages, hours, trade practices, and other provisions. These and other matters are canvassed not only in terms of the materials to be found in the files, but also in terms of the experiences of the deputies and others concerned with code formation and administration.

The Code Histories, (including histories of certain NRA units or agencies) are not mimeographed. They are to be turned over to the Department of Commerce in typewritten form. All told, approximately eight hundred and fifty (850) histories will be completed. This number includes all of the approved codes and some of the unapproved codes. (In Work Materials No. 18, Contents of Code Histories, will be found the outline which governed the preparation of Code Histories.)

(In the case of all approved codes and also in the case of some codes not carried to final approval, there are in NRA files further materials on industries. Particularly worthy of mention are the Volumes I, II and III which constitute the material officially submitted to the President in support of the recommendation for approval of each code. These volumes

set forth the origination of the codes, the sponsoring group, the evidence advanced to support the proposal, the report of the Division of Research and Planning on the industry, the recommendations of the various Advisory Boards, certain types of official correspondence, the transcript of the formal hearing, and other pertinent matter. There is also much official information relating to amendments, interpretations, exemptions, and other rulings. The materials mentioned in this paragraph were of course not a part of the work of the Division of Review.)

THE WORK MATERIALS SERIES

In the work of the Division of Review a considerable number of studies and compilations of data (other than those noted below in the Evidence Studies Series and the Statistical Material Series) have been made. These are listed below, grouped according to the character of the material. (In Work Materials No. 17, Tentative Outlines and Summaries of Studies in Process, the materials are fully described).

Industry Studies

Automobile Industry, An Economic Survey of
Bituminous Coal Industry under Free Competition and Code Regulation, Ecnomic Survey of
Electrical Manufacturing Industry, The
Fertilizer Industry, The
Fishery Industry and the Fishery Codes
Fishermen and Fishing Craft, Earnings of
Foreign Trade under the National Industrial Recovery Act
  Part A - Competitive Position of the United States in International Trade 1927-29 through 1934.
  Part B - Section 3 (e) of NIRA and its administration.
  Part C - Imports and Importing under NRA Codes.
  Part D - Exports and Exporting under NRA Codes.
Forest Products Industries, Foreign Trade Study of the
Iron and Steel Industry, The
Knitting Industries, The
Leather and Shoe Industries, The
Lumber and Timber Products Industry, Economic Problems of the
Men's Clothing Industry, The
Millinery Industry, The
Motion Picture Industry, The
Migration of Industry, The: The Shift of Twenty-Five Needle Trades From New York State, 1926 to 1934
National Labor Income by Months, 1929-35
Paper Industry, The
Production, Prices, Employment and Payrolls in Industry, Agriculture and Railway Transportation, January 1923, to date
Retail Trades Study, The
Rubber Industry Study, The
Textile Industry in the United Kingdom, France, Germany, Italy, and Japan
Textile Yarns and Fabrics
Tobacco Industry, The
Wholesale Trades Study, The
Women's Neckwear and Scarf Industry, Financial and Labor Data on

Women's Apparel Industry, Some Aspects of the

Trade Practice Studies

Commodities, Information Concerning: A Study of NRA and Related Experiences in Control
Distribution, Manufacturers' Control of: Trade Practice Provisions in Selected NRA Codes
Distributive Relations in the Asbestos Industry
Design Piracy: The Problem and Its Treatment Under NRA Codes
Electrical Mfg. Industry: Price Filing Study
Fertilizer Industry: Price Filing Study
Geographical Price Relations Under Codes of Fair Competition, Control of
Minimum Price Regulation Under Codes of Fair Competition
Multiple Basing Point System in the Lime Industry: Operation of the
Price Control in the Coffee Industry
Price Filing Under NRA Codes
Production Control in the Ice Industry
Production Control, Case Studies in
Resale Price Maintenance Legislation in the United States
Retail Price Cutting, Restriction of, with special Emphasis on The Drug Industry.
Trade Practice Rules of The Federal Trade Commission (1914-1936): A classification for comparision with Trade Practice Provisions of NRA Codes.

Labor Studies

Cap and Cloth Hat Industry, Commission Report on Wage Differentials in
Earnings in Selected Manufacturing Industries, by States, 1933-35
Employment, Payrolls, Hours, and Wages in 115 Selected Code Industries 1933-35
Fur Manufacturing, Commission Report on Wages and Hours in
Hours and Wages in American Industry
Labor Program Under the National Industrial Recovery Act, The
  Part A. Introduction
  Part B. Control of Hours and Reemployment
  Part C. Control of Wages
  Part D. Control of Other Conditions of Employment
  Part E. Section 7(a) of the Recovery Act
Materials in the Field of Industrial Relations
PRA Census of Employment, June, October, 1933
Puerto Rico Needlework, Homeworkers Survey

Administrative Studies

Administrative and Legal Aspects of Stays, Exemptions and Exceptions, Code Amendments, Conditional Orders of Approval
Administrative Interpretations of NRA Codes
Administrative Law and Procedure under the NIRA
Agreements Under Sections 4(a) and 7(b) of the NIRA
Approved Codes in Industry Groups, Classification of
Basic Code, the -- (Administrative Order X-61)
Code Authorities and Their part in the Administration of the NIRA
  Part A. Introduction
  Part B. Nature, Composition and Organization of Code Authorities

Part C. Activities of the Code Authorities
Part D. Code Authority Finances
Part E. Summary and Evaluation
Code Compliance Activities of the NRA
Code Making Program of the NRA in the Territories, The
Code Provisions and Related Subjects, Policy Statements Concerning
Content of NIRA Administrative Legislation
Part A. Executive and Administrative Orders
Part B. Labor Provisions in the Codes
Part C. Trade Practice Provisions in the Codes
Part D. Administrative Provisions in the Codes
Part E. Agreements under Sections 4(a) and 7(b)
Part F. A Type Case: The Cotton Textile Code
Labels Under NRA, A Study of
Model Code and Model Provisions for Codes, Development of
National Recovery Administration, The: A Review of its Organization and Activities
NRA Insignia
President's Reemployment Agreement, The
President's Reemployment Agreement, Substitutions in Connection with the
Prison Labor Problem under NRA and the Prison Compact, The
Problems of Administration in the Overlapping of Code Definitions of Industries and Trades, Multiple Code Coverage, Classifying Individual Members of Industries and Trades
Relationship of NRA to Government Contracts and Contracts Involving the Use of Government Funds
Relationship of NRA with States and Municipalities
Sheltered Workshops Under NRA
Uncodified Industries: A Study of Factors Limiting the Code Making Program

Legal Studies

Anti-Trust Laws and Unfair Competition
Collective Bargaining Agreements, the Right of Individual Employees to Enforce
Commerce Clause, Federal Regulation of the Employer-Employee Relationship Under the
Delegation of Power, Certain Phases of the Principle of, with Reference to Federal Industrial Regulatory Legislation
Enforcement, Extra-Judicial Methods of
Federal Regulation through the Joint Employment of the Power of Taxation and the Spending Power
Government Contract Provisions as a Means of Establishing Proper Economic Standards, Legal Memorandum on Possibility of
Industrial Relations in Australia, Regulation of
Intrastate Activities Which so Affect Interstate Commerce as to Bring them Under the Commerce Clause, Cases on
Legislative Possibilities of the State Constitutions
Post Office and Post Road Power — Can it be Used as a Means of Federal Industrial Regulation?
State Recovery Legislation in Aid of Federal Recovery Legislation History and Analysis
Tariff Rates to Secure Proper Standards of Wages and Hours, the Possibility of Variation in
Trade Practices and the Anti-Trust Laws
Treaty Making Power of the United States
War Power, Can it be Used as a Means of Federal Regulation of Child Labor?

THE EVIDENCE STUDIES SERIES

The Evidence Studies were originally undertaken to gather material for pending court cases. After the Schechter decision the project was continued in order to assemble data for use in connection with the studies of the Division of Review. The data are particularly concerned with the nature, size and operations of the industry; and with the relation of the industry to interstate commerce. The industries covered by the Evidence Studies account for more than one-half of the total number of workers under codes. The list of those studies follows:

Automobile Manufacturing Industry
Automotive Parts and Equipment Industry
Baking Industry
Boot and Shoe Manufacturing Industry
Bottled Soft Drink Industry
Builders' Supplies Industry
Canning Industry
Chemical Manufacturing Industry
Cigar Manufacturing Industry
Coat and Suit Industry
Construction Industry
Cotton Garment Industry
Dress Manufacturing Industry
Electrical Contracting Industry
Electrical Manufacturing Industry
Fabricated Metal Products Mfg. and Metal Finishing and Metal Coating Industry
Fishery Industry
Furniture Manufacturing Industry
General Contractors Industry
Graphic Arts Industry
Gray Iron Foundry Industry
Hosiery Industry
Infant's and Children's Wear Industry
Iron and Steel Industry
Leather Industry
Lumber and Timber Products Industry
Mason Contractors Industry
Men's Clothing Industry
Motion Picture Industry
Motor Vehicle Retailing Trade
Needlework Industry of Puerto Rico
Painting and Paperhanging Industry
Photo Engraving Industry
Plumbing Contracting Industry
Retail Lumber Industry
Retail Trade Industry
Retail Tire and Battery Trade Industry
Rubber Manufacturing Industry
Rubber Tire Manufacturing Industry
Shipbuilding Industry
Silk Textile Industry
Structural Clay Products Industry
Throwing Industry
Trucking Industry
Waste Materials Industry
Wholesale and Retail Food Industry
Wholesale Fresh Fruit and Vegetable Industry
Wool Textile Industry

THE STATISTICAL MATERIALS SERIES

This series is supplementary to the Evidence Studies Series. The reports include data on establishments, firms, employment, payrolls, wages, hours, production capacities, shipments, sales, consumption, stocks, prices, material costs, failures, exports and imports. They also include notes on the principal qualifications that should be observed in using the data, the technical methods employed, and the applicability of the material to the study of the industries concerned. The following numbers appear in the series:
9768—5.

Asphalt Shingle and Roofing Industry
Business Furniture
Candy Manufacturing Industry
Carpet and Rug Industry
Cement Industry
Cleaning and Dyeing Trade
Coffee Industry
Copper and Brass Mill Products Industry
Cotton Textile Industry
Electrical Manufacturing Industry
Fertilizer Industry
Funeral Supply Industry
Glass Container Industry
Ice Manufacturing Industry
Knitted Outerwear Industry
Paint, Varnish, and Lacquer, Mfg. Industry
Plumbing Fixtures Industry
Rayon and Synthetic Yarn Producing Industry
Salt Producing Industry

THE COVERAGE

The original, and approved, plan of the Division of Review contemplated resources sufficient (a) to prepare some 1200 histories of codes and NRA units or agencies, (b) to consolidate and index the NRA files containing some 40,000,000 pieces, (c) to engage in extensive field work, (d) to secure much aid from established statistical agencies of government, (e) to assemble a considerable number of experts in various fields, (f) to conduct approximately 25% more studies than are listed above, and (g) to prepare a comprehensive summary report.

Because of reductions made in personnel and in use of outside experts, limitation of access to field work and research agencies, and lack of jurisdiction over files, the projected plan was necessarily curtailed. The most serious curtailments were the omission of the comprehensive summary report; the dropping of certain studies and the reduction in the coverage of other studies; and the abandonment of the consolidation and indexing of the files. Fortunately, there is reason to hope that the files may yet be cared for under other auspices.

Notwithstanding these limitations, if the files are ultimately consolidated and indexed the exploration of the NRA materials will have been sufficient to make them accessible and highly useful. They constitute the largest and richest single body of information concerning the problems and operations of industry ever assembled in any nation.

L. C. Marshall,
Director, Division of Review.

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